

# **Exhibit 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STEPHANIE LUKIS, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

WHITEPAGES, INC.,

Defendant.

No. 1:19-cv-04871

Judge Gary Feinerman

Mag. Judge Jeffrey Gilbert

**DECLARATION OF BLAINE C. KIMREY**

I, Blaine C. Kimrey, hereby swear, under oath, to the following:

1. I am over 18 years of age. I am a Shareholder at Vedder Price P.C. in Chicago, Illinois, and I represent Whitepages, Inc. (“Whitepages”), in this litigation. I have been involved in litigating this case since its inception.

2. A true and correct copy of the January 5, 2021 Transcript of the Deposition of Stephanie Lukis is attached as **Exhibit A**.

3. A true and correct copy of the January 13, 2021 Transcript of the Deposition of Stephanie Lukis is attached as **Exhibit B**.

4. On October 9, 2020, Whitepages served Lukis with interrogatories, requests for production, and requests for admissions.

5. On December 10, 2020, Lukis provided written responses, but produced no documents whatsoever.

6. On December 15, 2020, Whitepages' counsel sent a letter to Lukis's counsel, outlining the numerous problems with Lukis's responses. A true and correct copy of that letter is attached as **Exhibit C**.

7. On December 22, 2020, my colleague Jonathon Reinisch and I held a *three-hour* meet and confer discussion with Lukis's counsel William Beaumont, in which it was clear that Lukis's counsel had not adequately considered or prepared to discuss the problems raised.

8. Whitepages' counsel summarized that discussion in a letter dated December 23, 2020. A true and correct copy of that letter is attached as **Exhibit D**.

9. Lukis did not supplement her responses or produce any documents until after 4:00 p.m. Central on January 4, 2021, the day before Lukis's deposition was set to proceed. A true and correct copy of Lukis's supplemental discovery responses are attached as **Exhibits E-G**.

10. The document production on January 4, 2021 consisted solely of Lukis's data from Facebook and LinkedIn and comprised 2,205 pages, including hundreds of pages that were fully redacted without explanation.

11. Lukis later provided a much more meager production of her Twitter profile.

12. In total, Whitepages entered 47 exhibits comprising 2,701 pages in Lukis's two deposition sessions, largely based on Whitepages' independent research.

13. On January 11, 2021, Whitepages' counsel sent another meet and confer letter (which also addressed Whitepages' Rule 11 concerns). A true and correct copy of that letter is attached as **Exhibit H**.

14. Lukis's counsel has not responded to this letter.

15. On January 13, 2021, Whitepages' counsel sent an email to Lukis's counsel, following up on certain discovery issues. A true and correct copy of that email string is attached as **Exhibit I**.

16. On January 14, 2021, having received no response, Whitepages' counsel sent another email to Lukis's counsel. *See* Exh. I.

17. On January 18, 2021, Lukis's counsel responded, refusing to provide any additional information. *See* Exh. I.

18. A true and correct copy of the Lukis's engagement letter with her counsel, as produced, is attached as **Exhibit J**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was executed by me on February 3, 2021, at Evanston, Illinois.

/s/ Blaine C. Kimrey  
Blaine C. Kimrey



# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

STEPHANIE LUKIS, individually )  
and on behalf of all others )  
similarly situated, )  
Plaintiffs, )  
vs. ) No. 1:19-cv-04871  
WHITEPAGES, INC., )  
Defendant. )

The videotaped deposition of STEPHANIE LUKIS,  
called for examination, taken pursuant to the Federal  
Rules of Civil Procedure of the United States District  
Courts pertaining to the taking of depositions, taken  
before KELLY A. BRICHETTO, CSR No. 84-3252, Certified  
Shorthand Reporter of the State of Illinois, on the 5th  
day of January, 2021, at 9:30 a.m.

REPORTED REMOTELY FROM CHICAGO, ILLINOIS

<p style="text-align: right;">Page 2</p> <p>1 REMOTE APPEARANCES:</p> <p>2</p> <p>3       On behalf of the Plaintiffs:</p> <p>4           BEAUMONT COSTALES, LLC, by</p> <p>5           MR. WILLIAM BEAUMONT</p> <p>6           MR. ROBERTO LUIS COSTALES</p> <p>7           107 West VanBuren Street</p> <p>8           Suite 209</p> <p>9           Chicago, Illinois 60605</p> <p>10          (773) 831-8000</p> <p>11          whb@beaumontcostales.com</p> <p>12          rlc@beaumontcostales.com</p> <p>13</p> <p>14       On behalf of the Defendant:</p> <p>15           VEDDER PRICE, by</p> <p>16           MR. BLAINE C. KIMREY</p> <p>17           MR. JONATHON P. REINISCH</p> <p>18           MR. NICK VERA</p> <p>19           222 North LaSalle Street</p> <p>20           Chicago, Illinois 60601</p> <p>21           (312) 609-7500</p> <p>22           bkimrey@vedderprice.com</p> <p>23           jreinisch@vedderprice.com</p> <p>24           nvera@vedderprice.com</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> 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<p style="text-align: right;">Page 3</p> <p>1           TRANSCRIPT INDEX</p> <p>2 APPEARANCES ..... 2</p> <p>3</p> <p>4 INDEX OF EXHIBITS ..... 4</p> <p>5</p> <p>6 EXAMINATION OF STEPHANIE LUKIS</p> <p>7 BY MR. KIMREY ..... 7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 REPORTER'S CERTIFICATE ..... 294</p> <p>12</p> <p>13 EXHIBIT CUSTODY</p> <p>14 EXHIBIT SHARE</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 5</p> <p>1           THE VIDEOGRAPHER: Good morning. We are going</p> <p>2 on the video record at 9:35 a.m. on January 5th, 2021.</p> <p>3           Please note that your microphones may be</p> <p>4 sensitive and could pick up whispering, private</p> <p>5 conversations and cellular interference. Please be</p> <p>6 mindful that this can interfere with the deposition's</p> <p>7 audio.</p> <p>8           Audio and video recording will continue to</p> <p>9 take place unless all parties agree to go off the record.</p> <p>10          Here begins media unit one in the video</p> <p>11 recorded deposition of Ms. Stephanie Lukis taken on</p> <p>12 behalf of the Defendant in the case matter of Stephanie</p> <p>13 Lukis versus Whitepages, Inc., filed in the U.S. District</p> <p>14 Court for the Northern District of Illinois, Eastern</p> <p>15 Division bearing case number 1:19-cv-04871.</p> <p>16          This is a remote virtual deposition hosted</p> <p>17 by Veritext Legal Solutions. My name is Kevin Duncan,</p> <p>18 and I am a certified legal video specialist from the firm</p> <p>19 of Veritext Legal Solutions, and the court reporter today</p> <p>20 is Ms. Kelly Kilcoyne from Veritext Legal Solutions.</p> <p>21          I'm not authorized to administer an oath.</p> <p>22 I'm not related to any party in this action nor am I</p> <p>23 financially interested in the outcome.</p> <p>24          Counsel, will you please identify</p>

<p style="text-align: right;">Page 6</p> <p>1 yourselves for the record starting with the noticing 2 party. 3 MR. KIMREY: The noticing party is the 4 Plaintiff, so that would be starting with Mr. Costales 5 and Mr. Beaumont. 6 MR. BEAUMONT: William Beaumont on behalf of 7 the Plaintiff. 8 MR. COSTALES: Roberto Costales here on behalf 9 of Plaintiffs. 10 MR. KIMREY: Blaine Kimrey of Vedder Price on 11 behalf of Whitepages. 12 MR. REINISH: And Jonathon Reinish also from 13 Vedder Price also on behalf of Whitepages. 14 MR. KIMREY: I also note for the record that 15 Nick Vera from Vedder Price is also here. Although he 16 may not be here for the entire deposition. 17 Okay. Please swear in the witness. 18 THE REPORTER: I have a brief read to read 19 first. 20 Due to the need for this deposition to 21 take place remotely, will both parties please stipulate 22 that the court reporter may swear in the witness over 23 Veritext virtual video conference. 24 MR. BEAUMONT: Yes.</p>	<p style="text-align: right;">Page 8</p> <p>1 Wait for me to finish asking a question 2 before you answer just because the court reporter has a 3 hard time recording people speaking simultaneously. 4 Does that make sense? 5 A. Yep. 6 Q. You can take breaks whenever you want. You 7 can't take a break while a question is pending unless the 8 question implicates attorney/client privilege, work 9 product protection, work trade secret protection. So 10 unless those issues are implicated go ahead and answer 11 the question. Then you can take a break. 12 If you need to take a break for, you know, 13 the bathroom, food, whatever, that's all fine. 14 Does that all make sense? 15 A. Perfect sense. 16 Q. Have you taken any medications today or last 17 night that would inhibit your ability to give truthful 18 testimony today? 19 A. No. 20 Q. Do you understand that you're under oath in 21 this deposition today? 22 A. Yes. 23 Q. Do you understand that because of that you're 24 obligated to state the truth?</p>
<p style="text-align: right;">Page 7</p> <p>1 MR. KIMREY: Yes. 2 (Witness sworn.) 3 WHEREUPON: 4 STEPHANIE LUKIS, 5 called as a witness herein, having been first duly sworn, 6 was examined and testified as follows: 7 DIRECT EXAMINATION 8 BY MR. KIMREY: 9 Q. Good morning, Ms. Lukis. As I noted, I'm 10 Blaine Kimrey from Vedder Price in Chicago. 11 How are you? 12 A. Not bad. Everybody is in Chicago. 13 Q. That's where the case is pending. 14 Have you given a deposition before? 15 A. No. 16 Q. Have you ever observed live a deposition 17 before? 18 A. No. 19 Q. So I'm going to give you some of the ground 20 rules. This is pretty basic. 21 I'm going to ask you questions. I'd like for 22 you to answer the questions. If you don't understand the 23 questions, please feel free to ask me to elaborate or 24 clarify.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Yes. 2 Q. And if you don't state the truth, do you 3 understand that that suffers a potential penalty of 4 perjury? 5 A. Yes. 6 Q. I'd like to go through some, you know, 7 background information related to you as the Plaintiff in 8 this case. 9 Let's start with where you've lived during 10 your whole life. If you could just walk me through, this 11 doesn't have to have scientific precision, just roughly 12 where you were born, where you went after that next, et 13 cetera. 14 A. I was born in Minnesota. I grew up a child 15 of the military and the U.S. government, so I've lived in 16 19 states and 3 foreign countries. Would you like for me 17 to list all of them? 18 Q. Yes. 19 A. Okay. 20 Q. In chronological order. 21 A. Oh, that's going to be fun. 22 Minnesota, California, Mississippi, Alabama. 23 Oh, boy. Am I leaving some out? Texas, Turkey then back 24 to -- no, visited 19 states not lived in. I think it's</p>

<p style="text-align: right;">Page 10</p> <p>1 lived in eight or nine. Okay. Went to Turkey back to  2 Texas then Florida back to Minnesota, Oklahoma back to  3 Minnesota, Texas, Virginia then Chicago then back to  4 Virginia then back to Chicago. I think that's all of  5 them. And then one more Virginia to Chicago again.  6 Currently living in Chicago. I think I got all of them.  7 Q. Was your dad or your mom or both in the  8 military?  9 A. My father was in the Air Force. My  10 step-fathers were in the DEA and U.S. Customs.  11 Q. How many step-fathers do you have?  12 A. My mother is on husband number six. So one  13 father, five step-fathers.  14 Q. Your dad was your mom's first husband?  15 A. My father was my mother's first husband, and  16 he was in the Air Force.  17 Oh, I missed Greece.  18 Q. I'm sorry. What did you say?  19 A. I -- I missed living in Greece and Germany.  20 I was a young kid, so I forgot about those.  21 Q. When were you born?  22 A. 1977.  23 Q. What's your birth date?  24 A. February 24th, 1977.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Do you want me to include all of her last  2 names that she's had?  3 Q. Sure. Let's do that in chronological order  4 starting with her maiden name and then going by husband.  5 A. Deborah Rae Reynolds married Claddy married  6 Springer married McDaniels.  7 Q. Sorry. I'm writing these down. Could you  8 slow down a little bit?  9 A. Sure.  10 Q. Deborah Rae Reynolds then?  11 A. Married Claddy married Springer married  12 McDaniel married Horn. Let's see. I don't remember the  13 last name of husband number five. They were only married  14 for like a year and a half, and I lived in Chicago, and  15 currently -- current husband is -- what is his last name?  16 I don't remember the two most recent husbands' last  17 names. I -- let me look.  18 Q. Are you looking at a cell phone right now?  19 A. Yeah. I'm looking at my contacts. See if I  20 can figure out -- Egan. Current husband is Egan.  21 Q. E-A-G-O-N?  22 A. E-G-A-N.  23 Q. Okay.  24 A. I don't remember the last name of husband</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. When you were born, were your parents  2 married?  3 A. Yes.  4 Q. When did your parents divorce?  5 A. 1987, I believe.  6 Q. Where did you live at that time?  7 A. Outside of Los Angeles, California.  8 Q. Which parent got custody of you?  9 A. My dad did initially, but then we ended up  10 moving in with my mom six months later.  11 Q. In LA?  12 A. When -- oh, I forgot Missouri too.  13 When my mother got custody, we moved to  14 outside of St. Louis, Missouri.  15 Q. When did your mom first remarry?  16 A. 1987, 1988.  17 Q. Was that in St. Louis?  18 A. In Missouri. They were working in a small  19 town outside of -- somewhere in rural Missouri.  20 Q. What is your biological father's name?  21 A. Gregory Claddy.  22 Q. Does he have a middle name?  23 A. James.  24 Q. What is your mom's full name?</p>	<p style="text-align: right;">Page 13</p> <p>1 number five.  2 Q. Is that in your contacts in your phone?  3 A. No. She was married to him for a short  4 period of time, and I only met him at the wedding.  5 Q. What are the full names of all of those  6 stepdads in order?  7 A. Everett Dean Springer, Michael McDaniel, John  8 Horn. Wait. Springer, McDaniel, Horn. I don't remember  9 husband number five and then husband number six is -- oh,  10 come on. What's his name? I don't remember the name of  11 husband number six.  12 Q. It's in your contacts? Do you just have his  13 last name?  14 A. No, I don't have his phone number. I just  15 have my mom's name in my contacts.  16 Q. Got it.  17 A. Got her current last name.  18 Q. What kind of phone are you looking at?  19 A. An Android. I don't even know what kind  20 of -- it's just an Android -- let me look at my settings  21 because I have no idea what kind of phone this is.  22 LG Stylo 5.  23 Q. How long have you had that phone?  24 A. Year and a half.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. What kind of phone did you have before that?</p> <p>2 A. Samsung Galaxy.</p> <p>3 Q. How long did you have the Samsung Galaxy?</p> <p>4 A. Three years.</p> <p>5 Q. Do you still have the Samsung Galaxy, sorry,</p> <p>6 Galaxy phone?</p> <p>7 A. No. When I got the LG, I turned it in for</p> <p>8 credit, but I had already factory reset and wiped it</p> <p>9 before I gave it over to T Mobile.</p> <p>10 Q. When did that occur?</p> <p>11 A. Year and a half ago.</p> <p>12 Q. Did that occur after this lawsuit was filed?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Might it have occurred after this lawsuit was</p> <p>15 filed?</p> <p>16 A. I would have to double check with my</p> <p>17 attorneys what date the lawsuit was filed versus when I</p> <p>18 got -- switched out the phones. To my knowledge, I</p> <p>19 believe the lawsuit was filed after this, after I</p> <p>20 switched phones.</p> <p>21 Q. Before you wiped the Samsung Galaxy did you</p> <p>22 back it up or transfer the data on it to your LG Stylo 5?</p> <p>23 A. It was backed up on the Cloud for Google.</p> <p>24 Q. Do you still have access to that Cloud</p>	<p style="text-align: right;">Page 16</p> <p>1 A. No.</p> <p>2 Q. When you had the Samsung Galaxy, did you have</p> <p>3 any other cell phones in addition to the Samsung Galaxy?</p> <p>4 A. No.</p> <p>5 Q. During the time that you've had the Gmail</p> <p>6 account, you said approximately ten years, have you had</p> <p>7 any other personal e-mail accounts?</p> <p>8 A. I have two e-mail accounts I use and one</p> <p>9 e-mail account I use to sign up -- whenever I have to do</p> <p>10 sign up for junk mail stuff.</p> <p>11 Q. What are your current e-mail accounts?</p> <p>12 A. Autumnsilver@gmail.com and</p> <p>13 stephanie.lukis@gmail.com. The third one, the junk</p> <p>14 e-mail is smlukis@gmail.com.</p> <p>15 Q. Besides those three Gmail accounts do you</p> <p>16 have currently any other e-mail accounts?</p> <p>17 A. No.</p> <p>18 Q. Besides those three Gmail accounts have you</p> <p>19 historically had any other e-mail accounts?</p> <p>20 A. One.</p> <p>21 Q. What is that?</p> <p>22 A. Autumnsilver@aol.com.</p> <p>23 Q. Does that account still exist?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 15</p> <p>1 account?</p> <p>2 A. Yes.</p> <p>3 Q. Does the back-up of that Samsung Galaxy still</p> <p>4 exist in the Cloud?</p> <p>5 MR. BEAUMONT: Objection. I'm not sure what</p> <p>6 the relevance of this is, but the witness can answer --</p> <p>7 the witness can answer if she knows.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I have no idea. I'd have to log into my</p> <p>10 Google account and check.</p> <p>11 MR. KIMREY: I'll just note for the record</p> <p>12 that objecting based on relevance is improper in a</p> <p>13 deposition. I ask that you not do that, Mr. Costales.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. So do you have a Google Drive account?</p> <p>16 A. Yes, through my e-mail account.</p> <p>17 Q. What is your e-mail? Is it Gmail?</p> <p>18 A. Yes, it's a Gmail account.</p> <p>19 Q. How long have you had the Gmail account?</p> <p>20 A. I'd have to look, but I -- it -- my guess is</p> <p>21 more than ten years. I jumped on Gmail pretty much as</p> <p>22 soon as it came out.</p> <p>23 Q. In addition to your LG Stylo 5, do you</p> <p>24 currently have any other cell phones?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. When was that account terminated?</p> <p>2 A. When I started the Gmail account over ten</p> <p>3 years ago.</p> <p>4 Q. Are you using a computer right now?</p> <p>5 A. Yes.</p> <p>6 Q. What kind of computer is it?</p> <p>7 A. A Dell laptop.</p> <p>8 Q. Do you know what type of Dell it is?</p> <p>9 A. No. I'd have to look in the settings and go</p> <p>10 hunting to try to figure it out.</p> <p>11 Q. Could you look at the settings right now and</p> <p>12 tell me what it says?</p> <p>13 MR. BEAUMONT: I object to the form of the</p> <p>14 question.</p> <p>15 BY THE WITNESS:</p> <p>16 A. It doesn't list what kind it is. It just</p> <p>17 says Inspiron. I guess that's the type of laptop it is.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Yes.</p> <p>20 A. Yeah, it just says Inspiron 3584.</p> <p>21 Q. How long have you had that laptop?</p> <p>22 A. Two years, I think, year and a half.</p> <p>23 Q. Is that your only computer currently?</p> <p>24 A. Currently, yes.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. What kind of computer did you have before the 2 Dell Inspiron 3584?</p> <p>3 A. It was an HP desktop. I do not know the 4 specifics of it.</p> <p>5 Q. Do you still have the HP desktop?</p> <p>6 A. I still have the hard drive for it. The 7 motherboard crashed on it. The hard drive is sitting in 8 a drawer like ten feet from me.</p> <p>9 Q. Other than the Dell laptop that you're 10 currently on and the HP laptop for which you still have 11 the hard drive have you ever had any other computers and 12 if so, what were they?</p> <p>13 A. I had --</p> <p>14 MR. BEAUMONT: Objection, form.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. You can answer.</p> <p>17 A. I'm sorry. What was that?</p> <p>18 MR. BEAUMONT: Just objection to the form of 19 the question, but you could answer if you -- if you know.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I had one other Dell Desktop for ten years.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. During what period roughly?</p> <p>24 A. I got it in 2006 through 2016.</p>	<p style="text-align: right;">Page 20</p> <p>1 for this case. I think my attorneys handled all of that.</p> <p>2 What -- are you referring to what information I gave 3 them?</p> <p>4 Q. Right now I'm just referring to documents, 5 production of documents, whether they be hard copy or 6 digital.</p> <p>7 A. I don't think I produced any documents for 8 this case.</p> <p>9 Q. In producing documents in response to 10 Whitepages' discovery, did you search your Gmail 11 accounts, plural?</p> <p>12 MR. BEAUMONT: Objection, form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Not that I can think of.</p> <p>15 MR. BEAUMONT: Blaine, we're going to go ahead 16 and take a quick break.</p> <p>17 MR. KIMREY: Okay.</p> <p>18 THE VIDEOGRAPHER: Going off the video record 19 at 9:58 a.m.</p> <p>20 (WHEREUPON, a break was 21 taken.)</p> <p>22 We are back on record at 10:03 a.m.</p> <p>23 You may proceed.</p> <p>24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Do you still have that desktop?</p> <p>2 A. The hard drive.</p> <p>3 Q. Where is the hard drive?</p> <p>4 A. Ten feet from me in a drawer.</p> <p>5 Q. Have you had any other computers beyond those 6 you've testified about so far today?</p> <p>7 A. I have not.</p> <p>8 MR. BEAUMONT: Objection, form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Do you use text messages?</p> <p>11 A. Yes.</p> <p>12 Q. Do you use any kind of instant messaging 13 technology?</p> <p>14 A. Facebook Messaging. That's about it.</p> <p>15 Q. In producing documents in response to 16 Whitepages' discovery request in this case, did you 17 search the LG Stylo 5?</p> <p>18 A. No.</p> <p>19 Q. In producing documents in response to 20 Whitepages' discovery in this case, did you search your 21 Google Drive account?</p> <p>22 A. I don't know.</p> <p>23 Q. Is it possible that you did not?</p> <p>24 A. I don't think that I produced any documents</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Ms. Lukis, what did you and your counsel talk 2 about during the break?</p> <p>3 MR. BEAUMONT: Objection, attorney/client 4 privilege. We're not -- don't answer the question.</p> <p>5 MR. KIMREY: That's improper, Mr. Costales. 6 She's on the record even during breaks, and I'm entitled 7 to ask her what was discussed during the breaks. The 8 rules are clear on that.</p> <p>9 I'll pose the question again.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Ms. Lukis, what did you discuss during a 12 break with your counsel?</p> <p>13 MR. BEAUMONT: Objection, attorney/client 14 privilege, and we're not answering the question.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Are you taking your counsel's instruction to 17 not answer that question, Ms. Lukis?</p> <p>18 A. Yes, sir, I am.</p> <p>19 MR. COSTALES: I'd also like to -- this is 20 Roberto Costales on the record. That was Mr. Beaumont 21 speaking, Blaine, not me, so just making that 22 observation. Thank you.</p> <p>23 MR. KIMREY: It's hard to tell because neither 24 one of you is on video.</p>



<p style="text-align: right;">Page 22</p> <p>1 And just to make the record clear, the</p> <p>2 Federal rules are crystal clear that I'm entitled to ask</p> <p>3 the witness what was discussed during a break with</p> <p>4 counsel unless that discussion involved analysis of the</p> <p>5 application of attorney/client privilege, work product</p> <p>6 protection or trade secret protection.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Did the discussion that you had with your</p> <p>9 counsel, Ms. Lukis, address attorney/client priv --</p> <p>10 application of attorney/client privilege, work product</p> <p>11 protection, work trade secret protection?</p> <p>12 MR. BEAUMONT: Objection, attorney/client</p> <p>13 privilege. Our -- our discussion is attorney/client</p> <p>14 privilege.</p> <p>15 MR. KIMREY: Are you instructing the witness</p> <p>16 not to answer?</p> <p>17 MR. BEAUMONT: I'm instructing the witness not</p> <p>18 to answer.</p> <p>19 MR. KIMREY: Okay. That's inappropriate, and,</p> <p>20 you know, we reserve our right to move for disclosure of</p> <p>21 what was discussed during that break. And I note for the</p> <p>22 record that nobody has said that the discussion involved</p> <p>23 potential application of privilege, work product or trade</p> <p>24 secret protection, and as such, the discussion is proper</p>	<p style="text-align: right;">Page 24</p> <p>1 answer.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I used the computer to get the archives for</p> <p>4 Facebook and Indeed.com.</p> <p>5 MR. BEAUMONT: Just a point of clarification.</p> <p>6 Are you saying Indeed or are you saying LinkedIn?</p> <p>7 THE WITNESS: I'm sorry. LinkedIn.</p> <p>8 MR. KIMREY: Stop.</p> <p>9 THE WITNESS: I don't have an Indeed account.</p> <p>10 What am I -- sorry.</p> <p>11 MR. BEAUMONT: I just want to use --</p> <p>12 MR. KIMREY: Yeah, Mr. Beaumont, that's</p> <p>13 improper coaching of the witness. You just told her how</p> <p>14 to testify.</p> <p>15 THE WITNESS: I'm sorry. I'm looking through</p> <p>16 e-mails. Sorry.</p> <p>17 MR. BEAUMONT: I'd just like to --</p> <p>18 THE WITNESS: Sorry.</p> <p>19 MR. KIMREY: You can't testify, Mr. Beaumont.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Where is my -- let me see if I can get my</p> <p>22 phone to cooperate. No, it's LinkedIn. Sorry. I just</p> <p>23 got -- my husband just got an e-mail from Indeed.com.</p> <p>24 That's why I said Indeed. I just -- sorry.</p>
<p style="text-align: right;">Page 23</p> <p>1 ponder for questioning in this deposition because</p> <p>2 Ms. Lukis is on the record sworn under oath both when</p> <p>3 she's on video and when she's talking to her counsel</p> <p>4 during breaks.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. So are you following your counsel's advice</p> <p>7 not to answer, Ms. Lukis?</p> <p>8 MR. BEAUMONT: I instruct the witness not --</p> <p>9 not to -- not to answer the question on the grounds of</p> <p>10 attorney/client privilege.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Are you following your counsel's advice,</p> <p>13 Ms. Lukis?</p> <p>14 A. I will.</p> <p>15 Q. Okay. As to the Dell Inspiron 3584 that</p> <p>16 you're on today, did you search that laptop in looking</p> <p>17 for documents responsive to Whitepages' written discovery</p> <p>18 in this case?</p> <p>19 A. I used this computer to get the archives of</p> <p>20 Facebook and Indeed.</p> <p>21 Q. What was that second one -- Facebook and?</p> <p>22 A. Indeed.com, the -- the web page for like</p> <p>23 looking for jobs.</p> <p>24 MR. BEAUMONT: I'm sorry. I didn't hear the</p>	<p style="text-align: right;">Page 25</p> <p>1</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Do you have an Indeed.com account?</p> <p>4 A. No, I don't. I have a LinkedIn profile.</p> <p>5 Q. Did you use the Dell laptop Inspiron 3584 to</p> <p>6 search for anything beyond your LinkedIn account and your</p> <p>7 Facebook account?</p> <p>8 A. I attempted to download my Twitter</p> <p>9 information, but Twitter still has not gotten -- has not</p> <p>10 gotten me the -- the download information yet.</p> <p>11 Q. Did you use the Dell laptop Inspiron 3584 to</p> <p>12 search for anything related to this case beyond your</p> <p>13 LinkedIn account, your Facebook account and your Twitter</p> <p>14 account?</p> <p>15 A. No.</p> <p>16 Q. When did you use the laptop to search for</p> <p>17 your Facebook account?</p> <p>18 A. Three days ago.</p> <p>19 Q. Did you try to do that before then?</p> <p>20 A. No. I've never downloaded my whole Facebook</p> <p>21 archive.</p> <p>22 Q. When did you search for your LinkedIn account</p> <p>23 in relation --</p> <p>24 A. Also three days ago.</p>

7 (Pages 22 - 25)



<p style="text-align: right;">Page 26</p> <p>1 Q. -- to this case? I'm sorry. Go ahead.</p> <p>2 A. Also three days ago.</p> <p>3 Q. Did you search for your LinkedIn account in</p> <p>4 relation to this case before then?</p> <p>5 A. No.</p> <p>6 Q. When did you search for your Twitter account</p> <p>7 in relation to this case?</p> <p>8 A. Three days ago.</p> <p>9 Q. Did you search for your Twitter account in</p> <p>10 relation to this case before then?</p> <p>11 A. No.</p> <p>12 Q. Before three days ago did you search for any</p> <p>13 documents in relation to this case in any way whatsoever?</p> <p>14 A. No.</p> <p>15 Q. Did you ever search your HP desktop hard</p> <p>16 drive for information related to this case?</p> <p>17 A. No.</p> <p>18 Q. Did you ever search your Dell desktop hard</p> <p>19 drive for any information related to this case?</p> <p>20 A. No.</p> <p>21 MR. BEAUMONT: Objection, form.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Other than searching for your Facebook</p> <p>24 account, your LinkedIn account and your Twitter account</p>	<p style="text-align: right;">Page 28</p> <p>1 assume that --</p> <p>2 MR. KIMREY: I'm not.</p> <p>3 MR. BEAUMONT: Okay. So I'd just like to</p> <p>4 make -- so can you make that clear in your -- in your</p> <p>5 question to Ms. Lukis now?</p> <p>6 MR. KIMREY: Please reread my question.</p> <p>7 (Requested portion of the</p> <p>8 record read.)</p> <p>9 BY THE WITNESS:</p> <p>10 A. No.</p> <p>11 MR. BEAUMONT: And -- and -- well --</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Where does your mom currently live?</p> <p>14 A. Herndon, Virginia.</p> <p>15 Q. Are you in frequent touch with her?</p> <p>16 A. No.</p> <p>17 Q. How would you characterize your relationship</p> <p>18 with her?</p> <p>19 A. No contact at all.</p> <p>20 MR. BEAUMONT: Objection, form.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. You can answer the question.</p> <p>23 A. No contact at all.</p> <p>24 Q. When is the last time you had contact with</p>
<p style="text-align: right;">Page 27</p> <p>1 three days ago have you engaged in any effort to locate</p> <p>2 and produce any information related to this case?</p> <p>3 MR. BEAUMONT: Objection. That is</p> <p>4 attorney/client privilege, and I instruct the witness not</p> <p>5 to answer.</p> <p>6 MR. KIMREY: That is not privileged. It's a</p> <p>7 matter of fact, and it goes to diligence in discovery, so</p> <p>8 the instruction not to answer is clearly inappropriate.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Are you going to follow your counsel's</p> <p>11 instruction not to answer, Ms. Lukis?</p> <p>12 A. Yes.</p> <p>13 MR. BEAUMONT: If you'd like to rephrase the</p> <p>14 question, you're more than welcome to rephrase the</p> <p>15 question.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Did you do anything other than searching your</p> <p>18 Twitter, LinkedIn and Facebook accounts in retrieving</p> <p>19 information and producing it in relation to this case?</p> <p>20 MR. BEAUMONT: Objection, attorney/client</p> <p>21 privilege. Are you asking her other than -- I just would</p> <p>22 like to make clear that you're not asking her for any --</p> <p>23 any -- when you say anything that she's done, you're not</p> <p>24 asking her for any -- any conversations with counsel? I</p>	<p style="text-align: right;">Page 29</p> <p>1 your mom?</p> <p>2 MR. BEAUMONT: Objection, form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. September 2018.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Why did you cease contact with your mom?</p> <p>7 A. Because she's very abusive emotionally and</p> <p>8 mentally.</p> <p>9 Q. How is she abusive emotionally and mentally?</p> <p>10 A. She gaslights me. She tries to convince me</p> <p>11 that I am a horrible person and that -- that I am</p> <p>12 worthless, I am a horrible mother and that I should --</p> <p>13 basically she tries to convince me that I shouldn't be on</p> <p>14 this planet.</p> <p>15 Q. When is the last time you had contact with</p> <p>16 your biological father?</p> <p>17 A. Jeeze.</p> <p>18 MR. BEAUMONT: Objection to form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. At my wedding in 2007.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Why have you not had contact with him since</p> <p>23 then?</p> <p>24 A. We never had a close relationship. I've</p>

<p style="text-align: right;">Page 30</p> <p>1 never talked, really talked to him.</p> <p>2 Q. Do you have currently a relationship with any</p> <p>3 of your stepdads?</p> <p>4 A. No.</p> <p>5 MR. BEAUMONT: Objection, form.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Did you graduate from high school?</p> <p>8 A. Yes.</p> <p>9 Q. What high school?</p> <p>10 A. Klein High School in Spring, Texas.</p> <p>11 Q. What year?</p> <p>12 A. 1996.</p> <p>13 Q. Did you go to school after that?</p> <p>14 A. Some college in northern Virginia and</p> <p>15 Chicago. No graduation.</p> <p>16 Q. Did you go to college right -- the fall after</p> <p>17 your graduation from Klein High School?</p> <p>18 A. One semester in Houston at a community</p> <p>19 college.</p> <p>20 Q. What is the name of the college?</p> <p>21 A. I don't remember.</p> <p>22 Q. What did you do as far as education or a job</p> <p>23 right after you graduated from high school?</p> <p>24 A. I worked retail or in a restaurant.</p>	<p style="text-align: right;">Page 32</p> <p>1 August 2007 in Chicago. The family ceremony was</p> <p>2 September 2007 in northern Virginia.</p> <p>3 Q. Are you still married?</p> <p>4 A. Yes.</p> <p>5 Q. What is your husband's full name?</p> <p>6 A. Paul Michael Lukis.</p> <p>7 Q. Do you have kids?</p> <p>8 A. One.</p> <p>9 Q. What is your child's name?</p> <p>10 A. Genevive Audrey Lukis.</p> <p>11 Q. Is she the biological daughter of yours and</p> <p>12 Paul's?</p> <p>13 A. Yes.</p> <p>14 Q. How old is she?</p> <p>15 A. Three and a half. She turns four in</p> <p>16 February.</p> <p>17 Q. I know you gave us your birth date, but I'm</p> <p>18 not good at quick math. How old are you?</p> <p>19 A. 43.</p> <p>20 Q. How old is your husband Paul?</p> <p>21 A. 38. 37. Sorry.</p> <p>22 Q. Let's enter folder 1.1 Lexis.</p> <p>23 So just to explain to you what's going on,</p> <p>24 Ms. Lukis, I have a helper today because this deposition</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. What are the colleges including community</p> <p>2 colleges that you've taken classes at?</p> <p>3 MR. BEAUMONT: Objection, form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't remember the name of the one in</p> <p>6 Texas, but it was Northern Virginia Community College and</p> <p>7 Harold Washington College.</p> <p>8 Q. Did you have a major at any time?</p> <p>9 A. No.</p> <p>10 Q. Roughly how many months of college have you</p> <p>11 attended overall?</p> <p>12 MR. BEAUMONT: Objection, form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. About a year and a half.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Do you hold any post high school degrees or</p> <p>17 certifications?</p> <p>18 MR. BEAUMONT: Objection, form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. A Coursera Google certification for a couple</p> <p>21 classes but that's it.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. When did you marry first?</p> <p>24 A. Only married once. Courthouse marriage was</p>	<p style="text-align: right;">Page 33</p> <p>1 is virtual who's going to present various exhibits to</p> <p>2 you.</p> <p>3 The exhibit that we're looking at right now</p> <p>4 is -- I don't see the marking on it, but it should be</p> <p>5 marked as Exhibit 1.</p> <p>6 I ask that it be so marked.</p> <p>7 MR. BEAUMONT: Counsel, I don't believe I've</p> <p>8 been provided a copy of this.</p> <p>9 MR. KIMREY: It's available to you via the</p> <p>10 Exhibit Share, and these are publicly -- well, this is a</p> <p>11 publicly available document.</p> <p>12 MR. BEAUMONT: Okay. I will -- I will try</p> <p>13 to -- it's available in Exhibit Share? How do I access</p> <p>14 that?</p> <p>15 MR. TOTH: You guys want to go off the record</p> <p>16 for a minute?</p> <p>17 MR. KIMREY: Yeah. Let's go off the record.</p> <p>18 You can explain to counsel how to access the exhibits.</p> <p>19 THE VIDEOGRAPHER: Going off the video record</p> <p>20 at 10:21 a.m.</p> <p>21 (WHEREUPON, a break was</p> <p>22 taken.)</p> <p>23 We are back on record at 10:23 a.m.</p> <p>24 You may proceed.</p>

<p style="text-align: right;">Page 34</p> <p>1</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. So we've just introduced, Ms. Lukis, Exhibit</p> <p>4 Number 1, but before we get into that, I have a few other</p> <p>5 questions.</p> <p>6 Do you understand why you're here today?</p> <p>7 A. Yes.</p> <p>8 Q. Why are you here today?</p> <p>9 A. As the Plaintiff for the court case.</p> <p>10 Q. What are you asserting in the court case?</p> <p>11 A. That my personal information should not be</p> <p>12 available on Whitepages.com.</p> <p>13 Q. Are you asserting anything else?</p> <p>14 A. I don't know. I'd have to check with my</p> <p>15 lawyer if there's anything else I should be saying. I</p> <p>16 just don't believe my information should be publicly</p> <p>17 available on a web page.</p> <p>18 Q. Is there -- are you asserting anything else</p> <p>19 beyond that?</p> <p>20 A. Not that I know of.</p> <p>21 Q. Do you know what the Illinois Right of</p> <p>22 Publicity Act is?</p> <p>23 A. I read it back when this got started, but I</p> <p>24 only remember it in very vague details, and I couldn't on</p>	<p style="text-align: right;">Page 36</p> <p>1 when she saw the ad.</p> <p>2 MR. BEAUMONT: And she can testify if she has</p> <p>3 the information.</p> <p>4 MR. KIMREY: She currently I note for the</p> <p>5 record is looking at her e-mail to retrieve that</p> <p>6 information --</p> <p>7 THE WITNESS: Yeah.</p> <p>8 MR. KIMREY: -- on her cell phone.</p> <p>9 THE WITNESS: Yeah, that's --</p> <p>10 MR. BEAUMONT: We're going to -- to avoid any</p> <p>11 possibility of attorney/client privilege being discussed,</p> <p>12 we're going to take a break.</p> <p>13 MR. KIMREY: I have a question pending.</p> <p>14 MR. BEAUMONT: Well, I mean we -- to avoid the</p> <p>15 possibility of any attorney/client privilege being</p> <p>16 discussed, we're going to take a break.</p> <p>17 MR. KIMREY: Okay.</p> <p>18 THE VIDEOGRAPHER: Okay. Please stand by.</p> <p>19 Going off the video record at 10:27 a.m.</p> <p>20 (WHEREUPON, a break was</p> <p>21 taken.)</p> <p>22 We are back on record at 10:33 a.m.</p> <p>23 You may proceed.</p> <p>24 MR. KIMREY: Please reread the question I</p>
<p style="text-align: right;">Page 35</p> <p>1 the record tell you anything about it.</p> <p>2 Q. How did you meet your counsel in this case?</p> <p>3 A. Through Craigslist.</p> <p>4 Q. How?</p> <p>5 A. I answered an ad.</p> <p>6 Q. What did the ad say?</p> <p>7 A. They were looking for people who did not want</p> <p>8 their information on Whitepages.com.</p> <p>9 Q. When is the first time you used Craigslist,</p> <p>10 roughly? It doesn't have to be scientifically precise.</p> <p>11 MR. BEAUMONT: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I have no idea.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Two years ago? Three years ago?</p> <p>16 A. Somewhere between five and seven years ago.</p> <p>17 I don't know how long the web page has been running.</p> <p>18 Q. When did you see the ad by your counsel</p> <p>19 looking for plaintiffs?</p> <p>20 A. Hold on. Let me check my e-mail.</p> <p>21 MR. BEAUMONT: Objection to form. And I'd</p> <p>22 just like to make clear I instructed the witness not to</p> <p>23 answer any attorney/client privilege matters.</p> <p>24 MR. KIMREY: Just to be clear, I'm just asking</p>	<p style="text-align: right;">Page 37</p> <p>1 posed right before the break.</p> <p>2 (Requested portion of the</p> <p>3 record read.)</p> <p>4 Ms. Lukis has put us on mute and is</p> <p>5 talking to someone in her apartment.</p> <p>6 THE WITNESS: Sorry. I was answering a</p> <p>7 question for my husband.</p> <p>8 MR. KIMREY: Could you reread that interchange</p> <p>9 again, please.</p> <p>10 (Requested portion of the</p> <p>11 record read.)</p> <p>12 MR. BEAUMONT: Hello? Is it -- I believe I</p> <p>13 got disconnected. Can you hear me?</p> <p>14 MR. KIMREY: Let's go off the record.</p> <p>15 MR. BEAUMONT: Wait. I'm sorry. I just</p> <p>16 got -- my screen -- I don't understand what happened. My</p> <p>17 screen just went out.</p> <p>18 MR. KIMREY: Let's go off the record.</p> <p>19 THE VIDEOGRAPHER: Going off the record at</p> <p>20 10:34 a.m.</p> <p>21 (Discussion had off the</p> <p>22 record.)</p> <p>23 We are back on record at 10:35 a.m.</p> <p>24 You may proceed.</p>

10 (Pages 34 - 37)

<p style="text-align: right;">Page 38</p> <p>1 MR. KIMREY: Please reread my question that 2 immediately preceded the break. 3 (Requested portion of the 4 record read.) 5 MR. BEAUMONT: And I'd like to say that I 6 object to that question on the grounds of attorney/client 7 privilege, and I instruct the witness not to answer the 8 question. 9 BY MR. KIMREY: 10 Q. Are you following your counsel's instruction 11 not to answer the question, Ms. Lukis? 12 A. Yes, because that is when attorney/client 13 privilege began. 14 Q. When did you first see the Craigslist ad that 15 was posted presumably to every Craigslist user in the 16 universe? 17 MR. BEAUMONT: I object to any -- this calls 18 for attorney/client privilege. I object to the extent 19 it's not the -- the witness can answer if she knows. 20 MR. KIMREY: That was unintelligible. 21 BY MR. KIMREY: 22 Q. When did you first see the ad, Ms. Lukis? 23 A. Sometime in 2019. 24 Q. What did it say?</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Is it possible that William Beaumont's name 2 was in the ad? 3 A. I do not remember the specifics of the 4 advertisement. I only remember -- 5 Q. Is it possible that Roberto Costales' name 6 was in the ad? 7 A. I do not remember. 8 Q. Who did you call in response to the ad? 9 MR. BEAUMONT: Objection. Yeah, this is 10 getting into attorney/client privilege, and I instruct 11 the witness not to answer. 12 BY MR. KIMREY: 13 Q. Are you following your counsel's instruction 14 not to answer? 15 A. Yes. 16 MR. KIMREY: So all of these instructions are 17 completely inappropriate. Who she called in response to 18 the public ad is not privileged or work product protected 19 or confidential in any other way. 20 I'll ask the question one more time to 21 give you an opportunity, Mr. Beaumont, to extricate 22 yourself from this quagmire. 23 BY MR. KIMREY: 24 Q. Ms. Lukis -- I note that somebody just walked</p>
<p style="text-align: right;">Page 39</p> <p>1 A. I don't remember. It -- the best vague thing 2 I can remember is they were looking for people who did 3 not want their information on Whitepages.com. 4 Q. Do you still have a copy of the ad? 5 A. No. 6 Q. What did you do in response to the ad? 7 MR. BEAUMONT: Objection. This calls for 8 attorney/client privilege. I instruct the witness not to 9 answer. 10 MR. KIMREY: It doesn't call for privileged 11 information. 12 BY MR. KIMREY: 13 Q. Are you following your counsel's instruction 14 not to answer, Ms. Lukis? 15 A. Yes. 16 Q. Who posted the ad? 17 A. I -- the attorneys. 18 Q. What were the names of the attorneys in the 19 ad? 20 A. I don't remember. 21 Q. Was William Beaumont's name in the ad? 22 A. I do not remember. 23 Q. Was Roberto Costales' name in the ad? 24 A. I do not remember.</p>	<p style="text-align: right;">Page 41</p> <p>1 in and hit Ms. Lukis with a towel. 2 A. My husband was moving a blanket on our couch. 3 Q. Ms. Lukis, you know that this is a federal 4 proceeding. You're under oath and you're in a 5 deposition. 6 A. Yes. 7 Q. You know it's inappropriate for your husband 8 to hit you in the head with a blanket during the 9 deposition in federal court. Do you understand? 10 A. Yes. He was moving a blanket from the couch. 11 MR. COSTALES: Hold on a second. Hold on. 12 Hold on. Ms. Lukis, Ms. Lukis, Ms. Lukis, please let me 13 answer. This is Roberto Costales. 14 That's an improper characterization, 15 Blaine. Can you just move forward with the deposition 16 and stop with all the editorializing? This woman is 17 giving a deposition in her home, and there is something 18 that's outside of her control that has occurred, and it 19 doesn't affect her ability to answer questions so -- 20 BY MR. KIMREY: 21 Q. Who did you call in response to the ad? 22 MR. BEAUMONT: And the objection is that this 23 is attorney/client privilege. You can ask -- you can 24 rephrase your question so that it excludes any</p>

<p style="text-align: right;">Page 42</p> <p>1 communications that she has or had with her counsel, but</p> <p>2 otherwise, it is -- this possibly calls into question</p> <p>3 attorney/client privilege, and so, therefore, I instruct</p> <p>4 the witness not to answer unless you would like to</p> <p>5 clarify.</p> <p>6 MR. KIMREY: My question is crystal clear.</p> <p>7 Who did she call? That doesn't ask for what she said</p> <p>8 during the call.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Who did you call in response to the ad?</p> <p>11 MR. BEAUMONT: I instruct the witness not to</p> <p>12 answer because it -- because there's a possibility of</p> <p>13 this implicating attorney/client privilege, and so as a</p> <p>14 result, I instruct the witness not to answer. If you --</p> <p>15 MR. KIMREY: You can't instruct her not to</p> <p>16 answer based on the possibility of application of</p> <p>17 attorney/client privilege, and who she called is not</p> <p>18 privileged.</p> <p>19 By the way, Mr. Costales, you're not</p> <p>20 entitled to object. One objector not both of you. Mr.</p> <p>21 Beaumont apparently is defending this deposition. Mr.</p> <p>22 Costales, you can witness it, but you can't object.</p> <p>23 Understood? I'll take your silence as a yes.</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 44</p> <p>1 MR. BEAUMONT: I instruct the witness not to</p> <p>2 answer the question.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Very well. I am following his instructions.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Not to answer?</p> <p>7 MR. BEAUMONT: Okay. We're going to -- I told</p> <p>8 you we're taking a break, so we're taking a break.</p> <p>9 MR. KIMREY: For what?</p> <p>10 MR. BEAUMONT: We're just going to take --</p> <p>11 we're taking a break. I think it is a good -- it's a --</p> <p>12 MR. KIMREY: Okay. That's fine. Go ahead.</p> <p>13 MR. BEAUMONT: We're going to take a break.</p> <p>14 MR. KIMREY: Off the record.</p> <p>15 THE VIDEOGRAPHER: Going off the video record</p> <p>16 at 10:42 a.m.</p> <p>17 (WHEREUPON, a break was</p> <p>18 taken.)</p> <p>19 We are back on record at 10:50 a.m.</p> <p>20 You may proceed.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Ms. Lukis, what did you discuss with your</p> <p>23 counsel during the break?</p> <p>24 MR. BEAUMONT: Objection, attorney/client</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Who did you call, Ms. Lukis, in response to</p> <p>2 the Craigslist ad trolling for plaintiffs?</p> <p>3 MR. BEAUMONT: Objection.</p> <p>4 BY THE WITNESS:</p> <p>5 A. The law firm.</p> <p>6 MR. BEAUMONT: Objection. I object to the</p> <p>7 question.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. What law firm did you call?</p> <p>10 A. I don't remember the name of it.</p> <p>11 Q. Was it Beaumont Costales?</p> <p>12 MR. BEAUMONT: We're going to take a break</p> <p>13 right now. We're going to take a break.</p> <p>14 MR. KIMREY: There's a question pending. You</p> <p>15 can't take a break.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Was it Beaumont Costales?</p> <p>18 MR. BEAUMONT: I object. I object as</p> <p>19 attorney/client privilege, and I instruct the witness not</p> <p>20 to answer.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Are you following your counsel's instruction</p> <p>23 not to answer, Ms. Lukis?</p> <p>24 A. I am informing you that --</p>	<p style="text-align: right;">Page 45</p> <p>1 privilege. Don't answer the question.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Are you following your counsel's instruction</p> <p>4 not to answer?</p> <p>5 A. Yes.</p> <p>6 MR. BEAUMONT: And I'd just like to jump in</p> <p>7 here.</p> <p>8 MR. KIMREY: Let me ask my question.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Did you discuss potential application of</p> <p>11 attorney/client privilege, work product protection or</p> <p>12 trade secrets during the break?</p> <p>13 MR. BEAUMONT: Objection, attorney/client</p> <p>14 privilege. I instruct the witness not to answer.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Are you following your counsel's instruction</p> <p>17 not to answer, Ms. Lukis?</p> <p>18 A. Yes.</p> <p>19 Q. Are you willing to answer any questions about</p> <p>20 your counsel's Craigslist ad?</p> <p>21 A. Yes.</p> <p>22 Q. What questions are you willing to answer?</p> <p>23 A. How I responded to the -- the Craigslist ad.</p> <p>24 Q. How did you respond to the Craigslist ad?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. I hit the reply button. Craigslist gave me a 2 random chain of letters and numbers to reply to, and I 3 sent an e-mail. After that attorney/client privilege 4 began because I was responded to by the attorneys. 5 Q. To whom did you send the e-mail? 6 A. A random series of letters and numbers that 7 you get when you hit the reply button on a Craigslist 8 e-mail or a Craigslist ad. 9 Q. Do you still have a copy of that e-mail? 10 A. Some -- I think somewhere in my sent file. 11 Q. That would be in which Gmail account? 12 A. Stephanie.lukis@gmail.com. 13 Q. What happened after that? 14 A. I was contacted by my attorney. 15 MR. BEAUMONT: Objection. 16 BY MR. KIMREY: 17 Q. Who contacted you? 18 MR. BEAUMONT: Objection, attorney/client 19 privilege. I instruct the witness not to answer. 20 BY MR. KIMREY: 21 Q. Are you following your counsel's instruction 22 not to answer my question who contacted you? 23 A. Yes, because I was speaking with the law 24 firm.</p>	<p style="text-align: right;">Page 48</p> <p>1 about her representation. I believe that is -- that 2 is what your question is, and also your question is that 3 is -- is specifically what attorney she's talking to for 4 her current -- for this current case. 5 BY MR. KIMREY: 6 Q. To whom did you speak, Ms. Lukis? 7 A. I don't remember. 8 Q. Was it Mr. Costales? 9 MR. BEAUMONT: I object. I object. I 10 instruct the witness not to answer. This is -- this is 11 attorney/client privilege. 12 BY MR. KIMREY: 13 Q. Are you following your counsel's instruction 14 not to answer? 15 A. Yes. 16 MR. KIMREY: I note the instruction's 17 improper. 18 BY MR. KIMREY: 19 Q. What did you do to prepare for your 20 deposition today? 21 A. Spoke with my attorneys. 22 MR. BEAUMONT: Objection. I object to 23 attorney/client privilege. You can rephrase the question 24 if you're asking for matters other than speaking with her</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Who you spoke with at the law firm is not 2 attorney/client privilege. Your counsel in this case is 3 public record. I'll ask one more time. 4 To whom did you speak? 5 A. The exact person I spoke with I don't 6 remember. 7 MR. BEAUMONT: Hold on. 8 BY MR. KIMREY: 9 Q. Was it Mr. Costales? 10 MR. BEAUMONT: Objection. Objection. Blaine, 11 the -- I'm making an objection to the attorney/client 12 privilege here, and so what I'm trying to understand 13 is -- is -- I guess I'm trying to understand what it is 14 that your question is getting at. 15 BY MR. KIMREY: 16 Q. Was it Mr. Costales? 17 MR. BEAUMONT: Objection. So I'd like -- I 18 object to the form of the question that this is 19 attorney/client privilege, and I instruct the witness not 20 to answer the question. If you can rephrase it so that 21 it's not attorney/client privilege, then that's fine. 22 MR. KIMREY: It's not privileged, so I don't 23 need to rephrase it. 24 MR. BEAUMONT: But it's who she's talking to</p>	<p style="text-align: right;">Page 49</p> <p>1 counsel. 2 BY MR. KIMREY: 3 Q. Did you meet with counsel to prepare for your 4 deposition today? 5 MR. BEAUMONT: Objection. Are you -- are 6 you -- we're just not going to get into matters that she 7 spoke with us about -- about in preparation for this 8 deposition or in preparation for any other matters where 9 she spoke with counsel. 10 MR. KIMREY: Are you instructing her not to 11 answer, Mr. Beaumont? 12 MR. BEAUMONT: I'm instructing her not to 13 answer. However, I would suggest though that if your 14 question said other than speaking with her counsel what 15 did she do for -- in preparation for this deposition, 16 that is a perfectly fine question that I would not object 17 to. 18 MR. KIMREY: It's a perfectly fine question to 19 ask if she met with counsel in preparation for her 20 deposition. I'll ask it again. 21 BY MR. KIMREY: 22 Q. Did you meet with your counsel in preparation 23 for this deposition? 24 MR. BEAUMONT: Objection to that --</p>



<p style="text-align: right;">Page 50</p> <p>1 MR. KIMREY: Let me finish the question,</p> <p>2 Mr. Beaumont.</p> <p>3 MR. BEAUMONT: I thought you were finished.</p> <p>4 Go ahead.</p> <p>5 MR. KIMREY: Could you reread my question,</p> <p>6 please, Ms. Kilcoyne.</p> <p>7 (Requested portion of the</p> <p>8 record read.)</p> <p>9 MR. BEAUMONT: Ms. Lukis, you can go ahead and</p> <p>10 answer the question.</p> <p>11 BY THE WITNESS:</p> <p>12 A. Yes.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. With whom did you meet?</p> <p>15 A. My attorneys.</p> <p>16 Q. What are their names?</p> <p>17 A. William Beaumont, Roberto -- I didn't</p> <p>18 actually -- I have not actually met with Roberto Costales</p> <p>19 other than today.</p> <p>20 Q. When did you meet with William Beaumont in</p> <p>21 preparation for your deposition?</p> <p>22 MR. BEAUMONT: Objection. This is clearly</p> <p>23 attorney/client privilege and we're not --</p> <p>24 MR. KIMREY: No, it's not. You're wrong.</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. BEAUMONT: No, it's not clear because I</p> <p>2 don't understand -- I don't understand what this is --</p> <p>3 what -- are you asking about what days she met or are you</p> <p>4 asking --</p> <p>5 MR. KIMREY: I'm not deposing you, and you're</p> <p>6 not objecting, and you're giving speaking objections, and</p> <p>7 this is improper. I'll ask the question again. If you</p> <p>8 have an objection as to form, Mr. Beaumont, you can make</p> <p>9 it. Otherwise, you need to be quiet.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Ms. Lukis, when did you meet with Mr.</p> <p>12 Beaumont in preparation for your deposition?</p> <p>13 MR. BEAUMONT: I need to understand the</p> <p>14 question in order to object. I'm sorry. I -- I -- and</p> <p>15 so I would ask that you clarify what the question means</p> <p>16 and what you -- because I need to understand what it</p> <p>17 means. Are you asking like for what days she met?</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. The question is clear. You can answer, Ms.</p> <p>20 Lukis.</p> <p>21 MR. BEAUMONT: I need -- I'm sorry. I will</p> <p>22 need to make sure that the witness does not -- that we're</p> <p>23 not talking about any attorney/client privilege and that</p> <p>24 we're not getting into that, so I need to make sure that</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. BEAUMONT: You can't --</p> <p>2 MR. KIMREY: You're wrong.</p> <p>3 BY THE WITNESS:</p> <p>4 A. You're asking when I met with my attorney.</p> <p>5 MR. BEAUMONT: This is clearly attorney/client</p> <p>6 privilege. We're not going to get -- this is --</p> <p>7 MR. KIMREY: Are you instructing her not to</p> <p>8 answer?</p> <p>9 MR. BEAUMONT: I -- I --</p> <p>10 MR. KIMREY: Are you instructing her not to</p> <p>11 answer? Can't just say attorney/client privilege and</p> <p>12 then not instruct her not to answer.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Okay. You can answer because he hasn't --</p> <p>15 when did you meet with Mr. Beaumont in preparation for</p> <p>16 the deposition?</p> <p>17 MR. BEAUMONT: Are you asking like what days?</p> <p>18 I would just like to clarify what --</p> <p>19 MR. KIMREY: The question is clear. She can</p> <p>20 answer. You're disrupting this deposition. You're not</p> <p>21 instructing her not to answer. You're being obstructive.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. When, Ms. Lukis, did you meet with Mr.</p> <p>24 Beaumont in preparation for your deposition?</p>	<p style="text-align: right;">Page 53</p> <p>1 I understand the question so that I can properly instruct</p> <p>2 the witness.</p> <p>3 MR. KIMREY: You're improperly engaging in</p> <p>4 speaking objections that are not objections as to form.</p> <p>5 You, Mr. Beaumont, are unnecessarily prolonging this</p> <p>6 deposition.</p> <p>7 I note on the record that we will seek</p> <p>8 additional time to depose Ms. Lukis for many reasons</p> <p>9 including but not limited to your behavior in this</p> <p>10 deposition.</p> <p>11 I will ask my crystal clear question</p> <p>12 again.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Ms. Lukis, when did you meet with Mr.</p> <p>15 Beaumont to prepare for this deposition?</p> <p>16 MR. BEAUMONT: Okay. If you're not going to</p> <p>17 clarify the question, then I object. Yeah, I object</p> <p>18 to -- I object to -- to the -- to the question as -- I</p> <p>19 make a form objection to the question. I instruct the</p> <p>20 witness not to disclose any issues concerning</p> <p>21 attorney/client privilege.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. You could answer.</p> <p>24 A. I don't think it's relevant as to when I</p>

<p style="text-align: right;">Page 54</p> <p>1 spoke with my attorney. That's literally talking to my  2 attorney. Therefore, I am -- when I'm speaking to my  3 attorney -- what days I've spoken with him is not  4 relevant because -- well, it's speaking to my attorney.  5 Q. Are you refusing to answer the question?  6 A. Yes, I'm not going to give you the dates and  7 times I spoke with my attorney. That's literally  8 attorney/client privilege. I'm talking to my lawyer.  9 Q. Are you a lawyer?  10 MR. BEAUMONT: Objection. Blaine, I'm sorry.  11 Objection is attorney/client privilege, and we're not  12 answering the question, and that question right there --  13 I'm asking you not to harass the witness, please.  14 BY MR. KIMREY:  15 Q. Are you a lawyer?  16 A. No.  17 Q. Have you received any legal training  18 whatsoever?  19 A. I'm following my attorney's advice to not  20 answer the question regarding attorney/client privilege  21 of when I spoke to my attorney.  22 Q. Have you received any sort of legal training  23 whatsoever?  24 A. No.</p>	<p style="text-align: right;">Page 56</p> <p>1 question. You're fine to -- it's fine if you rephrase  2 your question as to whether she's reviewed any documents.  3 I think that's -- that be fine for her to answer.  4 BY MR. KIMREY:  5 Q. Are you following your counsel's instruction  6 not to answer, Ms. Lukis?  7 A. I am following my counsel's instruction not  8 to answer about when I spoke to him about any  9 documentation for this court case.  10 Q. Did your counsel in preparation for this  11 deposition show you any documents?  12 MR. BEAUMONT: Objection, attorney/client  13 privilege. I instruct the witness not to answer the  14 question. However --  15 BY MR. KIMREY:  16 Q. Are you going to follow your counsel's  17 instruction not to answer, Ms. Lukis?  18 A. I would like for him to finish his statement  19 before you interrupted.  20 MR. BEAUMONT: Yes, and I would like to finish  21 my statement. If you'd like to clarify your -- your  22 objection as -- as to say other than conversations that  23 she's had with counsel, then the question I think would  24 be fine, but as it stands --</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Okay. When did you meet with Mr. Beaumont in  2 preparation for this deposition?  3 MR. BEAUMONT: I just covered that.  4 Objection, attorney/client privilege. I instruct the  5 witness not to answer.  6 BY MR. KIMREY:  7 Q. Are you following your counsel's instruction  8 not to answer that question?  9 A. Yes.  10 Q. How long did you meet with Mr. Beaumont in  11 preparation for your deposition?  12 MR. BEAUMONT: Objection --  13 BY THE WITNESS:  14 A. I'm not going to tell you --  15 MR. BEAUMONT: -- attorney/client privilege.  16 I instruct the witness not to answer the question.  17 BY MR. KIMREY:  18 Q. Are you following your counsel's instruction  19 not to answer?  20 A. Yes.  21 Q. Did you review any documents in preparation  22 for this deposition when you met with Mr. Beaumont?  23 MR. BEAUMONT: Objection, attorney/client  24 privilege. I instruct the witness not to answer the</p>	<p style="text-align: right;">Page 57</p> <p>1  2 BY MR. KIMREY:  3 Q. Are you following your counsel's instruction  4 not to answer, Ms. Lukis?  5 A. Yes.  6 Q. Did your counsel in preparation for this  7 deposition show you any documents to refresh your  8 recollection about anything related to the case?  9 MR. BEAUMONT: Objection, attorney/client  10 privilege. I instruct the witness not to answer.  11 However, if you'd like to clarify this question so that  12 it's not directly asking about communications between  13 Ms. Lukis and counsel, then this question would be fine,  14 but as it stands, I instruct the witness not to answer.  15 BY MR. KIMREY:  16 Q. Are you following your counsel's instruction  17 not to answer, Ms. Lukis?  18 A. Yes.  19 Q. Did you review any documents, Ms. Lukis, in  20 preparation for this deposition?  21 A. No.  22 Q. Did you speak with anybody other than Mr.  23 Beaumont in preparation for this deposition?  24 A. No.</p>



<p style="text-align: right;">Page 58</p> <p>1 Q. Okay. So let's go ahead and look at Exhibit 2 1. 3 MR. BEAUMONT: And before you begin with 4 Exhibit 1, I'd like to note for the record that there is 5 no Bates number on Exhibit 1 and that this Exhibit 1 has 6 not been provided to counsel for Ms. Lukis or Ms. Lukis 7 prior to just right now. Ms. Lukis has not had the 8 opportunity to review this document. 9 BY MR. KIMREY: 10 Q. Ms. Lukis, this is a LexisNexis Accurant for 11 Legal Professionals report that was pulled on 12 December 30th, 2020, and you can see the date there. Do 13 you see December 30th, '20 -- 14 A. Yes 15 Q. -- on the document? 16 A. Yes. 17 Q. I'm sorry? 18 A. Yes, I do. 19 Q. And the name on the first page of Exhibit 1 20 is Stephanie Marie Klatte. Am I pronouncing that right? 21 A. Klatte. 22 Q. Klatte? 23 A. Yes. 24 Q. Is that you?</p>	<p style="text-align: right;">Page 60</p> <p>1 2 BY THE WITNESS: 3 A. Well, no, they don't. 4 BY MR. KIMREY: 5 Q. Why not? 6 A. My middle name does not begin with an S, and 7 my full name is -- my last name -- my maiden name has an 8 E on the end of it. My first name has an E on the end of 9 it. 10 Q. Other than that do the names refer to you? 11 A. Yes. 12 MR. BEAUMONT: Object to form. 13 BY MR. KIMREY: 14 Q. On right-hand side of the first page there's 15 a reference to Indicators. Do you see that? 16 A. Yes. 17 Q. Bankruptcy is listed, and it says: "Yes." 18 Do you see that? 19 A. Yes, I see it. 20 Q. Have you ever declared bankruptcy? 21 A. Yes. 22 Q. When? 23 A. 2004, 2005, somewhere back then. 24 Q. Have you declared bankruptcy only once?</p>
<p style="text-align: right;">Page 59</p> <p>1 A. That is my maiden name, yes. 2 Q. The date of birth is February, the specific 3 date is X'ed out, 1977. Your date of birth is in 4 February or was in February 1977; correct? 5 A. Yes. 6 Q. And you are 43; correct? 7 A. Yes. 8 Q. There's a Social Security number here. It's 9 truncated. The first five digits are provided: 562-61. 10 Does that correlate with your Social Security number? 11 A. Yes. 12 Q. And you were -- you resided in California 13 when your Social Security number was issued; is that 14 correct? 15 A. Yes. 16 Q. You can see in the middle of the page there 17 is permutations of your name -- Stephanie Marie Klatte, 18 Stephanie M. Klatte, Stephanie Klatte, Stephanie S. 19 Klatte, Stephanie M. Lukis, Stephanie Lukis, Stephanie 20 Marie Lukis, Stephanie Klatt and Stephani without an E 21 Klatte. As far as you know, given the fact that the ages 22 are all 43 and the truncated Social Security numbers are 23 all the same, do all of those refer to you? 24 MR. BEAUMONT: Objection, form.</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yes. 2 Q. As to property, it says: "No." Have you 3 ever owned any property? 4 A. No. 5 Q. Have you ever taken out a mortgage for any 6 property? 7 A. No. 8 Q. Have you ever taken out any form of loan 9 related to real property? 10 MR. BEAUMONT: Objection, form. 11 BY THE WITNESS: 12 A. No. 13 BY MR. KIMREY: 14 Q. Have you ever requested your credit score? 15 MR. BEAUMONT: I'm making a form objection to 16 this line of questioning. 17 You can answer the question. 18 BY THE WITNESS: 19 A. Yes. 20 BY MR. KIMREY: 21 Q. When have you requested your credit score? 22 A. I don't recall. I -- I have an account with 23 creditkarma.com, and I don't remember the last time I 24 logged into the account.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. How long have you had an account -- and, 2 again, it doesn't need to be scientifically precise. How 3 long have you had an account with Credit Karma? 4 A. Couple years. Who knows? 5 Q. Did you search your Credit Karma account in 6 responding to discovery in this case? 7 A. No. 8 Q. Have you ever requested your credit score 9 from Experian? 10 A. I don't know which -- 11 MR. BEAUMONT: Objection to form. 12 BY THE WITNESS: 13 A. I don't know which accounts are on Credit 14 Karma. 15 BY MR. KIMREY: 16 Q. So you don't know whether you've ever 17 requested your credit score from Experian? 18 A. I think I requested my credit report from 19 them a couple years back. 20 Q. When you request a credit report from Credit 21 Karma, does it give you just one score or does it give 22 you multiple scores? 23 MR. BEAUMONT: Objection, form. 24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 64</p> <p>1 from TransUnion? 2 A. Probably a couple years ago. 3 Q. Have you ever requested your credit report 4 from Equifax? 5 A. Again, probably a couple years ago. I don't 6 remember. 7 Q. In asking for credit reports via Credit 8 Karma, did you agree to any terms and conditions? 9 MR. BEAUMONT: Objection, form. 10 BY THE WITNESS: 11 A. I don't know. 12 BY MR. KIMREY: 13 Q. What did you say? 14 A. I don't know. 15 Q. Is it possible that you did? 16 MR. BEAUMONT: Objection, form. 17 BY THE WITNESS: 18 A. I -- I don't know. 19 BY MR. KIMREY: 20 Q. Did you agree to Credit Karma's privacy 21 policy? 22 A. I don't know. 23 MR. BEAUMONT: Objection, form. 24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 63</p> <p>1 A. It -- it's two different credit reporting 2 agencies, but I don't know which two. 3 BY MR. KIMREY: 4 Q. Is it possible that one of them is Experian? 5 A. I don't know. 6 Q. Is it possible that one of them is 7 TransUnion? 8 MR. BEAUMONT: Objection, form. 9 BY THE WITNESS: 10 A. I think so. I don't know. 11 BY MR. KIMREY: 12 Q. Is it possible that one of them was Equifax? 13 A. I don't know. 14 Q. Are you aware that there are only three 15 credit reporting agencies in the United States? 16 A. Yes. 17 MR. BEAUMONT: Objection, form. 18 BY MR. KIMREY: 19 Q. What did you say? 20 A. Yes. 21 Q. And are you aware that they are Equifax, 22 Experian and TransUnion? 23 A. Since you just said them, yes. 24 Q. Have you ever requested your credit report</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Have you ever read Credit Karma's terms and 2 conditions? 3 A. No. 4 MR. BEAUMONT: Objection, form. 5 BY MR. KIMREY: 6 Q. Have you ever read Credit Karma's privacy 7 policy? 8 A. No. 9 Q. Are you aware that Credit Karma has terms and 10 conditions? 11 A. Not that I know of, no. 12 Q. Are you aware that Credit Karma has a privacy 13 policy? 14 MR. BEAUMONT: Objection, form. 15 BY THE WITNESS: 16 A. Not that I know. 17 BY MR. KIMREY: 18 Q. Have you ever read Experian's terms and 19 conditions? 20 A. That I can say no. 21 Q. Have you ever read Experian's privacy policy? 22 A. No. 23 Q. Have you ever read Equifax's terms and 24 conditions?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. No.</p> <p>2 Q. Have you ever read Equifax's privacy policy?</p> <p>3 A. No.</p> <p>4 Q. Have you ever read TransUnion's terms and</p> <p>5 conditions?</p> <p>6 A. No.</p> <p>7 Q. Have you ever read TransUnion's privacy</p> <p>8 policy?</p> <p>9 A. No.</p> <p>10 Q. As to Credit Karma, do you know whether the</p> <p>11 terms and conditions provide for sharing of the</p> <p>12 information that you provide to Credit Karma with third</p> <p>13 parties?</p> <p>14 MR. BEAUMONT: Objection, form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. It's not allowed to as far as I'm aware.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. What is that awareness based on?</p> <p>19 A. The fact that all it does is pull the</p> <p>20 information from two credit agencies.</p> <p>21 Q. Is it based on anything else?</p> <p>22 A. My belief.</p> <p>23 Q. Is it based on anything else?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 68</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Are you aware of Experion's terms and</p> <p>3 conditions allowing for sharing of your information with</p> <p>4 third parties?</p> <p>5 A. No.</p> <p>6 Q. Are you aware --</p> <p>7 (Zoom interruption.)</p> <p>8 THE REPORTER: I'm sorry. You keep breaking</p> <p>9 up. I didn't hear your question, Blaine.</p> <p>10 MR. KIMREY: Could you reread my last</p> <p>11 question? Can you hear me?</p> <p>12 THE REPORTER: Yeah, I can hear you.</p> <p>13 The last question I have is: "Are you</p> <p>14 aware of Experion's terms and conditions allowing for</p> <p>15 sharing of your information with third parties." Answer:</p> <p>16 "No." Question: "Are you aware --" And then I lost you</p> <p>17 for --</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. -- of Experion's privacy policy allowing for</p> <p>20 sharing of your information with third parties?</p> <p>21 MR. BEAUMONT: Objection, form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. No.</p> <p>24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Do you know whether Credit Karma's privacy</p> <p>2 policy provides for sharing of your information that you</p> <p>3 provide to Credit Karma to third parties?</p> <p>4 MR. BEAUMONT: Objection, form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I would assume not.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Repeat that.</p> <p>9 A. I would assume not.</p> <p>10 Q. What's that assumption based on?</p> <p>11 A. Personal opinion.</p> <p>12 Q. Anything else?</p> <p>13 A. No.</p> <p>14 Q. Are you aware of whether Equifax's terms and</p> <p>15 conditions allow for sharing of your information with</p> <p>16 third parties?</p> <p>17 A. No.</p> <p>18 Q. Are you aware of whether Equifax's privacy</p> <p>19 policy allows for sharing of your information with third</p> <p>20 parties?</p> <p>21 A. No.</p> <p>22 MR. BEAUMONT: Objection, form and also</p> <p>23 objection to the previous question as to form.</p> <p>24 Objection.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Are you aware of TransUnion's terms and</p> <p>2 conditions allowing for sharing of your information --</p> <p>3 A. No</p> <p>4 Q. -- to third parties?</p> <p>5 You said no?</p> <p>6 A. No.</p> <p>7 Q. Are you aware of Experion's privacy policy --</p> <p>8 I'm sorry.</p> <p>9 Are you aware of -- please -- did I say</p> <p>10 TransUnion on the last question? I believe I did.</p> <p>11 Are you aware of TransUnion's privacy policy</p> <p>12 allowing for sharing of your information with third</p> <p>13 parties?</p> <p>14 A. No.</p> <p>15 Q. Are you aware of Equifax's terms and</p> <p>16 conditions allowing for sharing of your information with</p> <p>17 third parties?</p> <p>18 A. No.</p> <p>19 Q. Are you aware of Equifax's privacy policy</p> <p>20 allowing for sharing of your information with third</p> <p>21 parties?</p> <p>22 A. No.</p> <p>23 Q. Is it possible that in requesting credit</p> <p>24 reports you consented to sharing of your information with</p>

<p style="text-align: right;">Page 70</p> <p>1 third parties?</p> <p>2 MR. BEAUMONT: Objection, form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. No.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Why is that?</p> <p>7 A. When you request your credit report, you're</p> <p>8 just asking that company for their information. I don't</p> <p>9 see why they would request to share it with anybody else.</p> <p>10 Q. But you haven't read the terms and conditions</p> <p>11 or privacy policy for Credit Karma; right?</p> <p>12 MR. BEAUMONT: Objection, asked and answered.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Like I said before, no.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. You haven't read any terms and conditions</p> <p>17 ever related to requesting your credit reports; correct?</p> <p>18 MR. BEAUMONT: Objection, form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. No.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. When you say no, are you saying that I'm</p> <p>23 correct in that way?</p> <p>24 A. I have not -- I have not read any terms and</p>	<p style="text-align: right;">Page 72</p> <p>1 witness if the witness is given an opportunity to refer</p> <p>2 to -- to understand what this -- what this -- what this</p> <p>3 summary on the first page is -- is referring to.</p> <p>4 MR. KIMREY: I don't understand your</p> <p>5 statement.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. So, again, have you --</p> <p>8 MR. BEAUMONT: I think it would be helpful if</p> <p>9 we could take a break to --</p> <p>10 MR. KIMREY: Let me finish. Don't interrupt</p> <p>11 me.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Have five liens or judgments been entered</p> <p>14 against you, Ms. Lukis?</p> <p>15 A. I don't know. I would have to look at the</p> <p>16 full document to see what it says.</p> <p>17 Q. Okay. We'll --</p> <p>18 MR. BEAUMONT: Let's take a break and look at</p> <p>19 the document. We're going to take a break now.</p> <p>20 MR. KIMREY: Okay. Let's go off the record.</p> <p>21 THE VIDEOGRAPHER: We're off the video record</p> <p>22 at 11:19 a.m.</p> <p>23 (WHEREUPON, a break was</p> <p>24 taken.)</p>
<p style="text-align: right;">Page 71</p> <p>1 conditions for credit reporting agencies' websites.</p> <p>2 Q. Have you reviewed any of their privacy</p> <p>3 policies?</p> <p>4 A. No, I haven't.</p> <p>5 MR. BEAUMONT: Objection, asked and answered.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Like I said before, no, I haven't.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Going back to Exhibit 1, down in the lower</p> <p>10 left-hand corner of the first page it says:</p> <p>11 "Comprehensive Report Summary." Do you see that?</p> <p>12 A. Yeah.</p> <p>13 Q. It notes the bankruptcy, and then it notes</p> <p>14 liens and judgments, and it says five found. Have there</p> <p>15 been five liens or judgments entered against you?</p> <p>16 MR. BEAUMONT: Objection, form. Also I -- I</p> <p>17 think the witness should have an opportunity to review</p> <p>18 this document in full.</p> <p>19 MR. KIMREY: I'm not asking her about the full</p> <p>20 document. I'm just asking her about Page 1.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I have no idea.</p> <p>23 MR. BEAUMONT: I guess my question is --</p> <p>24 there's a clarification. I think it's fair to the</p>	<p style="text-align: right;">Page 73</p> <p>1 We are back on record at 12:24 a.m.</p> <p>2 MR. BEAUMONT: This is Will Beaumont.</p> <p>3 THE VIDEOGRAPHER: I'm sorry. 11:24. 11:24</p> <p>4 a.m. Sorry.</p> <p>5 MR. BEAUMONT: I'd like the record to reflect</p> <p>6 that we were just provided a 62-page document in this</p> <p>7 exhibit, Exhibit 1, and we haven't had an opportunity to</p> <p>8 review this document and that questions are now being</p> <p>9 asked about it.</p> <p>10 MR. KIMREY: I'd like to note that's ironic</p> <p>11 because after 4 p.m. Central last night Plaintiffs'</p> <p>12 counsel produced for the first time to us documents in</p> <p>13 this case. Before that Plaintiffs' counsel had produced</p> <p>14 no documents, and those documents comprise approximately</p> <p>15 2500 pages, so --</p> <p>16 MR. BEAUMONT: And just to clarify that --</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. If you look at Exhibit 1 --</p> <p>19 MR. BEAUMONT: I'd just like to clarify that.</p> <p>20 Those documents concern simply a Facebook account and a</p> <p>21 LinkedIn account, and while they are voluminous, they</p> <p>22 concern two different -- two different social media</p> <p>23 accounts.</p> <p>24 MR. KIMREY: Right, and they were responsive</p>

<p style="text-align: right;">Page 74</p> <p>1 to discovery that we propounded months ago.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. So if you look at Exhibit 1, Page 1,</p> <p>4 Ms. Lukis, under Comprehensive Report Summary, you see</p> <p>5 where it says driver's license?</p> <p>6 A. Yes.</p> <p>7 Q. It says three found. Have you had driver's</p> <p>8 licenses in three different states as far as you recall?</p> <p>9 A. Well, the driver's licenses in the file only</p> <p>10 list Texas driver's licenses.</p> <p>11 Q. Have you had a driver's license anywhere</p> <p>12 other than in Texas?</p> <p>13 A. Yes.</p> <p>14 Q. Where else have you had driver's licenses?</p> <p>15 A. Virginia and Illinois.</p> <p>16 Q. Do you currently have an active driver's</p> <p>17 license in good standing --</p> <p>18 A. Yes.</p> <p>19 Q. -- in Illinois?</p> <p>20 A. Yes.</p> <p>21 Q. It says: "Possible criminal records,"</p> <p>22 farther down, "six found." Are you aware of any criminal</p> <p>23 cases that have ever been filed against you?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Is it possible that the information came from</p> <p>2 public records?</p> <p>3 A. I wouldn't know.</p> <p>4 Q. Is it possible --</p> <p>5 MR. BEAUMONT: Objection.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. -- that all of the information in this report</p> <p>8 came from public records?</p> <p>9 MR. BEAUMONT: Objection, form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I don't know how they got this information.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. If you look at the second page, there are</p> <p>14 various addresses listed under Address Summary. Could</p> <p>15 you read the addresses that you've actually resided at as</p> <p>16 listed here?</p> <p>17 MR. BEAUMONT: Objection, form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Let me go through this list. 3314 South</p> <p>20 Lituanica, 1816 West 34th Place, 901 West 33rd Street,</p> <p>21 2519 John Eppes Road, 444 West 44th Street, 7506 Pollen</p> <p>22 Street, 816 West 34th Place. The Halsted address is</p> <p>23 messed up. That's not correct. 3450 South Halsted, 649</p> <p>24 West 43rd Street, Apartment 2 West, 8006 Downington</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Is it possible that a criminal case was at</p> <p>2 some time filed against you?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Go to the next page, Page 2 of Exhibit 1.</p> <p>5 Near the top in the upper left-hand corner it says:</p> <p>6 "Voter registration," and it says: "None found." Do you</p> <p>7 see that?</p> <p>8 A. Yes.</p> <p>9 Q. Are you registered to vote?</p> <p>10 A. Yes, I am.</p> <p>11 Q. Are you registered to vote in the State of</p> <p>12 Illinois?</p> <p>13 A. Yes, I am.</p> <p>14 Q. Have you been registered to vote in any other</p> <p>15 state?</p> <p>16 A. Virginia and Texas.</p> <p>17 Q. Okay. Any other state beyond that?</p> <p>18 A. No.</p> <p>19 Q. Going back to the first page of Exhibit 1, do</p> <p>20 you know how LexisNexis acquired all of this information?</p> <p>21 MR. BEAUMONT: Objection, form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. No. I'm reading the top paragraph.</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 77</p> <p>1 Court, 20933 Reserve Falls Terrace, 4317 South Emerald,</p> <p>2 1525 West Ardmore, 1804 Sycamore Valley Drive --</p> <p>3 Q. Which apartment -- the 101 or the 1?</p> <p>4 A. Apartment 101.</p> <p>5 -- 5445 North Morgan Street, 42954</p> <p>6 Farmingdale Drive, 15915 Kuykendahl Road, 816 West 34th</p> <p>7 Place and 20593 Morningside Terrace.</p> <p>8 Q. The addresses other than those you've</p> <p>9 listed --</p> <p>10 A. I've never lived at any of those addresses</p> <p>11 that are -- that are -- that I did not list.</p> <p>12 Q. Okay. And those that you listed, are they</p> <p>13 all rentals?</p> <p>14 A. They're all apartments, yes, rental.</p> <p>15 Q. In renting these apartments, did you have to</p> <p>16 enter into a lease or leases?</p> <p>17 A. Some of them.</p> <p>18 Q. Did you have to provide any information about</p> <p>19 yourself in those leases?</p> <p>20 A. My name and previous addresses.</p> <p>21 MR. BEAUMONT: Objection, form.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Anything else?</p> <p>24 A. I don't know.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. Does LexisNexis having this information</p> <p>2 bother you?</p> <p>3 MR. BEAUMONT: Objection, form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't know what LexisNexis is used for, but</p> <p>6 yes, I'm uncomfortable with having a random website</p> <p>7 having my information.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Why is that?</p> <p>10 A. Because I am an individual, private person</p> <p>11 not a public figure.</p> <p>12 Q. Any other reasons?</p> <p>13 MR. BEAUMONT: Objection, form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't like people knowing where I've lived</p> <p>16 in the past. It's nobody's business.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Any other reasons?</p> <p>19 A. No.</p> <p>20 Q. Turn to Page 3 of Exhibit 1. Do you know who</p> <p>21 Gabriel Arriaga is?</p> <p>22 A. My landlord.</p> <p>23 Q. Is he related to you in any way?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. This refers to a civil judgment in the 19th</p> <p>2 General District Court in the State of Virginia with an</p> <p>3 original filing date of 6-10 2019. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. The amount says \$565. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And the debtor's Social Security number</p> <p>8 truncated is listed as 562-61. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. The creditor is the Children's Heart</p> <p>11 Institute if you look at Page 14. At the top the</p> <p>12 Children's Heart Institute VA PC, do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Was there a judgment entered against you in</p> <p>15 this matter of \$565?</p> <p>16 A. Not that I was aware of.</p> <p>17 Q. Is this the first time you've seen anything</p> <p>18 related to this alleged judgment?</p> <p>19 MR. BEAUMONT: Objection, form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Yes.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Did you seek any services at Children's Heart</p> <p>24 Institute?</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Going down to 2908 Pleasant Drive --</p> <p>2 A. Oh, his first name's Marty.</p> <p>3 Q. I was about to ask you that. Okay. So the</p> <p>4 stepfather with the last name Egan is Martin Joseph Egan;</p> <p>5 is that right?</p> <p>6 A. Yeah. I couldn't remember his first name.</p> <p>7 Q. Who is Deborah Rae Horn?</p> <p>8 A. My mother.</p> <p>9 Q. Okay. Who is Gloria Jordan Jones?</p> <p>10 A. No idea.</p> <p>11 Q. Who is Brian J. Klatte?</p> <p>12 A. My brother.</p> <p>13 Q. How many siblings do you have?</p> <p>14 A. One living, one deceased.</p> <p>15 Q. Sorry about that.</p> <p>16 Is Brian still alive?</p> <p>17 A. Yes.</p> <p>18 Q. This suggests that you're a current resident</p> <p>19 at this address in Fairfax County, Virginia but that's</p> <p>20 inaccurate; right?</p> <p>21 A. I've never lived there.</p> <p>22 Q. Let's turn to Page 13. So at the bottom do</p> <p>23 you see where it says: "Liens and Judgments," Ms. Lukis?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 A. I think that might be my daughter's</p> <p>2 cardiologist, so I -- I would say I guess, yes.</p> <p>3 Q. Okay. The next item is filing number 59 GB</p> <p>4 180 -- this is on Page 14 -- 1199800, and it says a civil</p> <p>5 judgment in Fairfax District Court, Virginia with an</p> <p>6 original filing date of October 16, 2018 in the amount of</p> <p>7 \$4,178. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. The debtor name is listed as Stephanie M.</p> <p>10 Lukis. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. The truncated Social Security number is</p> <p>13 562-61. Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. The creditor is Capital One Bank USA NA. Do</p> <p>16 you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Was a judgment entered against you in this</p> <p>19 case for \$4,178?</p> <p>20 A. This is the first I'm learning about it.</p> <p>21 Q. Is it possible that this judgment was entered</p> <p>22 against you?</p> <p>23 A. It's possible, yes.</p> <p>24 Q. Are you aware of any efforts to collect from</p>



<p style="text-align: right;">Page 82</p> <p>1 you on this judgment?</p> <p>2 A. No.</p> <p>3 Q. Okay. Next item -- well, let me back up.</p> <p>4 Did you have a debt due to Capital One Bank</p> <p>5 USA in the amount of \$4,178?</p> <p>6 A. It wasn't that high, but yes, I did have a</p> <p>7 credit card with Capital One.</p> <p>8 Q. Did you pay the balance in full?</p> <p>9 A. I thought I did.</p> <p>10 Q. Is it possible that you did not?</p> <p>11 A. Anything's possible.</p> <p>12 Q. Next item, this is a judgment in Illinois.</p> <p>13 It says original filing date 9-1 2010. This is at Page</p> <p>14 14 of Exhibit 1. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. It says the amount is \$4,208. Do you see</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. The debtor name is Stephanie Lukis. Do you</p> <p>20 see that?</p> <p>21 A. Yes.</p> <p>22 Q. This truncated Social Security number is</p> <p>23 562-61. Do you see that?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 \$4,208 judgment being entered against you in Illinois</p> <p>2 related to this rental?</p> <p>3 A. Yes.</p> <p>4 Q. How were you aware of that?</p> <p>5 A. It was an agreement in order to prevent an</p> <p>6 eviction going on my record.</p> <p>7 Q. So you agreed to the judgment and then paid</p> <p>8 the judgment?</p> <p>9 A. I haven't paid it, but I did agree to it.</p> <p>10 Q. Did you run a -- so you haven't -- you</p> <p>11 haven't paid the judgment yet?</p> <p>12 A. No.</p> <p>13 Q. Is the judgment due?</p> <p>14 A. I don't know. I've never heard anything from</p> <p>15 Mega Properties.</p> <p>16 Q. Did you run a business out of 3450 South</p> <p>17 Halsted?</p> <p>18 A. No.</p> <p>19 Q. Did you ever list this address as the address</p> <p>20 for Evergreen Pest Management, LLC?</p> <p>21 A. Oh, my husband ran a pest control company.</p> <p>22 Q. They used this address as its address?</p> <p>23 A. Yes.</p> <p>24 Q. What was the name of the pest control</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Another debtor is Paul Lukis. Do you see</p> <p>2 that?</p> <p>3 A. Yes.</p> <p>4 Q. Then another debtor is Jim Swanson. Do you</p> <p>5 see that?</p> <p>6 A. Yes.</p> <p>7 Q. Who is Jim Swanson?</p> <p>8 A. My roommate at the time Samantha Swanson's</p> <p>9 father.</p> <p>10 Q. Who is Samantha Swanson?</p> <p>11 A. My roommate at the time. She was a friend.</p> <p>12 Q. And the creditor is Mega Properties, Inc.</p> <p>13 Was that the landlord for 3450 South Halted, Unit 217?</p> <p>14 A. Yes.</p> <p>15 Q. That was the unit that you lived in with your</p> <p>16 husband Paul, Jim Swanson and Samantha Swanson; is that</p> <p>17 correct?</p> <p>18 A. Jim Swanson did not live there.</p> <p>19 Q. But Samantha did?</p> <p>20 A. Yes.</p> <p>21 Q. Other than you, Paul Lukis and Samantha</p> <p>22 Swanson did anyone else live there while you lived there?</p> <p>23 A. No.</p> <p>24 Q. Before you saw this today were you aware of a</p>	<p style="text-align: right;">Page 85</p> <p>1 company?</p> <p>2 A. Evergreen Pest Management.</p> <p>3 Q. Did you have a role with that company?</p> <p>4 MR. BEAUMONT: Object to form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. On paper, yes.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. What do you mean by on paper, yes?</p> <p>9 A. On paper I was the owner or manager of the</p> <p>10 company in order for it to be a woman-owned business.</p> <p>11 Q. Were you actually the owner and manager of</p> <p>12 the business?</p> <p>13 A. No.</p> <p>14 MR. BEAUMONT: Objection, form.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Who was the owner of the business?</p> <p>17 A. Paul Lukis.</p> <p>18 Q. Who was the manager of the business?</p> <p>19 A. Paul Lukis.</p> <p>20 Q. What were the benefits of its being on paper</p> <p>21 a woman-owned business?</p> <p>22 MR. BEAUMONT: I'm going to object to the form</p> <p>23 of this question.</p> <p>24</p>

<p style="text-align: right;">Page 86</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't remember.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. But you did not manage the business; correct?</p> <p>5 A. The most I did was paperwork.</p> <p>6 Q. And you did not own the business; correct?</p> <p>7 A. No. My husband did.</p> <p>8 MR. BEAUMONT: Objection, form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Next item, civil judgment. This is in the</p> <p>11 middle of the page, Page 14. Filing number 10 M 1717956.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Actually, this looks like it's a duplicate of</p> <p>15 the prior entry.</p> <p>16 A. Yes, it is.</p> <p>17 Q. Yeah, so never mind.</p> <p>18 Next item down in the lower left-hand corner</p> <p>19 on Page 14 of Exhibit 1, it says filing number 99018538.</p> <p>20 A. I see that.</p> <p>21 Q. Judgment, Virginia Circuit Court. Do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. Original filing date 9-8 1999. Do you see</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Yes.</p> <p>2 Q. Again, you were not the manager of Evergreen</p> <p>3 Pest Management, LLC; correct?</p> <p>4 MR. BEAUMONT: Objection, form.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. You can answer.</p> <p>7 A. No.</p> <p>8 Q. So, in other words, you're saying no, you</p> <p>9 were not the manager of Evergreen Pest Management, LLC?</p> <p>10 A. No, I was not.</p> <p>11 Q. Did Ever -- there are several addresses</p> <p>12 listed here for Evergreen -- 3450 South Halsted, 6816</p> <p>13 West 34th Street. I guess not several. There are two</p> <p>14 addresses. Did Evergreen have two different addresses?</p> <p>15 A. Those are our -- my home addresses for the</p> <p>16 time that my husband was running the company.</p> <p>17 Q. Okay. And did Evergreen have actual clients</p> <p>18 for which it provided pest management services?</p> <p>19 A. Yes.</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. How many clients during its existence roughly</p> <p>23 did Evergreen have?</p> <p>24 A. I don't remember.</p>
<p style="text-align: right;">Page 87</p> <p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. Release date 11-15 2001. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. It says the amount is \$530. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Debtor name, Stephanie Klatte. Do you see</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. Debtor SSN 562-61-xxxx. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. It says the creditor is, on the next page,</p> <p>13 this is Page 15 of Exhibit 1, Douglas W. Brown, DC. Do</p> <p>14 you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know what this is for?</p> <p>17 A. No idea.</p> <p>18 Q. Do you know who Douglas W. Brown, DC is?</p> <p>19 A. No idea.</p> <p>20 Q. Next item, Page 15, do you see where it says</p> <p>21 People At Work?</p> <p>22 A. Yes.</p> <p>23 Q. The first item is Stephanie Lukis, Manager,</p> <p>24 562-61-xxxx. Do you see that?</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. More than five?</p> <p>2 A. I think so.</p> <p>3 Q. More than ten?</p> <p>4 A. I don't know.</p> <p>5 Q. Did Evergreen perform any services other than</p> <p>6 pest management?</p> <p>7 A. No.</p> <p>8 Q. During its -- when was Evergreen formed?</p> <p>9 A. According to this, January of 2010. I don't</p> <p>10 recall.</p> <p>11 Q. Is that possibly accurate?</p> <p>12 A. I would guess so.</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. And when did it dissolve, roughly?</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I don't remember.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. During its entire life cycle, what roles did</p> <p>21 you perform for Evergreen?</p> <p>22 A. Occasionally I would do the billing, sending</p> <p>23 out the accounts payable.</p> <p>24 Q. Anything else?</p>



<p style="text-align: right;">Page 90</p> <p>1 A. That's it.</p> <p>2 Q. Let's go to Page 28 of Exhibit 1. Actually,</p> <p>3 let's make that Page 27. That's it. Okay. Down at the</p> <p>4 bottom do you see, lower left-hand side, where it says:</p> <p>5 "Possible criminal records," Ms. Lukis?</p> <p>6 A. Yes.</p> <p>7 Q. The first one refers to Virginia Court,</p> <p>8 Stephanie Marie Klatte, SSN: 562-61-xxxx, State of</p> <p>9 origin: Virginia, Party status: Released on summons,</p> <p>10 Race: White, Sex: Female, Case number: 059 GT</p> <p>11 0508666100, Case type description: Misdemeanor. Do you</p> <p>12 see that?</p> <p>13 A. Yes.</p> <p>14 Q. Then on the next page, Page 28, it says:</p> <p>15 Offense number 1, Offense date: 4-17 2005, Arrest date:</p> <p>16 4-17 2005, Court description: Fairfax County General</p> <p>17 District, Court case number: 059 GT 05086666100, Court</p> <p>18 offense: No driver's license. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember being charged with this</p> <p>21 misdemeanor?</p> <p>22 A. Nope.</p> <p>23 Q. Is it possible you were, in fact, charged</p> <p>24 with this misdemeanor?</p>	<p style="text-align: right;">Page 92</p> <p>1 GT 0501185600. Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And it lists the offense as reg/lic/title,</p> <p>4 Offense: Expired registration. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember ever being charged for</p> <p>7 driving with an expired registration?</p> <p>8 A. No.</p> <p>9 Q. You see it says: "Guilty in absentia"?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what that means?</p> <p>12 A. Apparently I missed a court date.</p> <p>13 Q. And what happened when you missed the court</p> <p>14 date?</p> <p>15 A. The judge apparently found me guilty.</p> <p>16 MR. BEAUMONT: Objection, form.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. What was that, Ms. Lukis?</p> <p>19 A. Apparently the judge found me guilty. Kind</p> <p>20 of hard when I don't remember it.</p> <p>21 Q. In the middle of the page it says Virginia</p> <p>22 Court, so this is Page 29, Exhibit 1, and it has</p> <p>23 identifying information for you apparently, and it</p> <p>24 describes the case number as 059 GT 0300360600. Do you</p>
<p style="text-align: right;">Page 91</p> <p>1 A. It's possible.</p> <p>2 Q. Do you remember ever being busted for driving</p> <p>3 without a license?</p> <p>4 A. Nope.</p> <p>5 MR. BEAUMONT: Objection, form.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Next item down at the bottom of Page 28 it</p> <p>8 says Virginia Court, Stephanie Marie Klatte, et cetera.</p> <p>9 The first misdemeanor. The court offense is listed as</p> <p>10 DRIV space under space revo/suspension. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall being charged with driving</p> <p>13 while having a revoked or suspended license?</p> <p>14 A. Nope.</p> <p>15 Q. Is it possible that you were charged with</p> <p>16 that?</p> <p>17 MR. BEAUMONT: Objection, form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. It's possible.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. The next page, Page 29, there's -- up in the</p> <p>22 upper left-hand corner it says Virginia Court, name:</p> <p>23 Stephanie Marie Klatte. It has that same truncated</p> <p>24 Social Security number, and it refers to case number 107</p>	<p style="text-align: right;">Page 93</p> <p>1 see that?</p> <p>2 A. Yes.</p> <p>3 Q. And the court offense is: "Fail pay full</p> <p>4 time and attention. No DMV. Guilty in absentia." Do</p> <p>5 you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall being charged with this crime?</p> <p>8 A. No.</p> <p>9 Q. What does guilty in absentia mean again?</p> <p>10 A. A judge found me guilty because I didn't show</p> <p>11 up for court.</p> <p>12 MR. BEAUMONT: Object to this line of</p> <p>13 questioning. Objection to the form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Do you know why you didn't show up for court?</p> <p>16 A. I guess that's what it means.</p> <p>17 Q. No, but do you know why you didn't show up</p> <p>18 for court?</p> <p>19 A. I don't remember ever being charged with</p> <p>20 anything for paying attention.</p> <p>21 Q. But is it possible that you were so charged?</p> <p>22 A. Possible.</p> <p>23 Q. And then the next page -- actually, let's</p> <p>24 stay on 29. There's an Ohio Court in the lower left-hand</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 corner. Did you ever live at 120, and you may have told</p> <p>2 me this already but I couldn't remember it because, you</p> <p>3 know, as a military kid you've had a lot of addresses,</p> <p>4 but did you ever live at 120 Patrick Street Southeast,</p> <p>5 Vienna, Virginia?</p> <p>6 A. Nope.</p> <p>7 Q. Okay. Did you have ever have a license that</p> <p>8 indicated you lived there?</p> <p>9 A. Nope.</p> <p>10 Q. Have you ever had any fake IDs --</p> <p>11 A. No.</p> <p>12 Q. -- for instance, to --</p> <p>13 MR. BEAUMONT: Objection to form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. -- potentially buy alcohol when you're under</p> <p>16 age?</p> <p>17 A. No.</p> <p>18 MR. BEAUMONT: Objection to form.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Are your eyes brown?</p> <p>21 A. No.</p> <p>22 Q. Okay. Have you ever been charged with</p> <p>23 speeding?</p> <p>24 MR. BEAUMONT: Objection, form.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Never heard of him.</p> <p>2 Q. Who is Debbie Elyse Hahn?</p> <p>3 A. This is going to be weird. It's husband</p> <p>4 number four who transitioned to being female.</p> <p>5 Q. Okay. Who is Kyleigh Coutcher?</p> <p>6 A. No idea. Might be husband number five's kid.</p> <p>7 Q. Now to the last page of Exhibit 1 which is</p> <p>8 Page 35. Do you see here it says -- well, let's go back</p> <p>9 to Page 34. You see in the lower left hand, Page 34</p> <p>10 lower left-hand corner Source Information? Do you see</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. It says all sources: 181 source documents;</p> <p>14 Bankruptcy records: 1 source document; Liens and</p> <p>15 judgments: 6 source documents. Then you go on to the</p> <p>16 next page. It says driver's licenses: 3 source</p> <p>17 documents; Motor vehicle registrations: 22 source</p> <p>18 documents; Person locator 1: 17 source documents,</p> <p>19 Historical person locator: 43 source documents; person</p> <p>20 locator 2: 2 source documents; Criminal: 6 source</p> <p>21 documents; Utility locator: 4 source documents; Person</p> <p>22 locator 5: 49 source documents; Person locator 6: 28</p> <p>23 source documents. Do you see that?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 95</p> <p>1 BY THE WITNESS:</p> <p>2 A. Not that I know of.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Who is Laura Mazur Rao? I'm on Page 30.</p> <p>5 A. No idea.</p> <p>6 Q. Who is Joseph Albert Coutcher?</p> <p>7 A. Oh, that's husband number five.</p> <p>8 Q. Okay. Who is Chris M. Coutcher?</p> <p>9 A. I think that's one of his sons.</p> <p>10 Q. Who is Edel Traut Coutcher? I'm putting in</p> <p>11 an R.</p> <p>12 A. It's Coutcher.</p> <p>13 Q. Coutcher.</p> <p>14 A. I think that's his dead wife.</p> <p>15 Q. Who is Brian Anthony Coutcher?</p> <p>16 A. I think that's one of Joe's sons.</p> <p>17 Q. Who is -- this is on Page 33. Who is</p> <p>18 Christina Morelli?</p> <p>19 A. I -- I don't know.</p> <p>20 Q. Who is Robert Michael Horn?</p> <p>21 A. Husband number four's son.</p> <p>22 Q. Who is Frank Michael McDaniel?</p> <p>23 A. Husband number three.</p> <p>24 Q. Who is -- Page 34. Who is Ionel McGee?</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Did I read that accurately?</p> <p>2 A. Yes.</p> <p>3 Q. So does this mean that all of the information</p> <p>4 that is in this report came from these sources as far as</p> <p>5 you're aware?</p> <p>6 MR. BEAUMONT: Objection, form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I guess.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Is it possible that all of this information,</p> <p>11 whether it be accurate, inaccurate, partially accurate,</p> <p>12 whatever, derived from public sources?</p> <p>13 MR. BEAUMONT: Objection, form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I guess so.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Okay. Let's move to -- sorry. Hold on a</p> <p>18 second -- folder 1.2 to be marked as Stephanie Lukis</p> <p>19 Deposition Exhibit 2. All right.</p> <p>20 MR. BEAUMONT: Excuse me, Blaine. I haven't</p> <p>21 been able to load that -- that exhibit yet in the Egnyte</p> <p>22 program.</p> <p>23 MR. KIMREY: Can we go off the record?</p> <p>24 MR. BEAUMONT: I see it. I see it now.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 MR. KIMREY: Okay.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. So, Ms. Lukis, this is a CheckPeople report</p> <p>4 that we obtained by searching your name. I assume you've</p> <p>5 never seen this before; is that correct?</p> <p>6 A. Never seen it before.</p> <p>7 MR. BEAUMONT: And also I'd like to object to</p> <p>8 this Exhibit 2 because we've never been provided this</p> <p>9 exhibit before in discovery. It does not have a Bates</p> <p>10 number on it, and I'm seeing this for the very first --</p> <p>11 very first time also.</p> <p>12 MR. KIMREY: And we only recently became aware</p> <p>13 of it, and it's in the public record.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Do you see that at the top it refers to</p> <p>16 Stephanie Klatte in Herndon, Virginia, age 43, Ms. Lukis?</p> <p>17 A. Yes.</p> <p>18 Q. It says current address 2519 John Eppes Road,</p> <p>19 Apartment 403, Herndon, Virginia, 20171. Do you see</p> <p>20 that?</p> <p>21 A. Yes</p> <p>22 Q. That's inaccurate; correct?</p> <p>23 A. That is incorrect.</p> <p>24 Q. But it once was an address of yours?</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. For what period of time, roughly?</p> <p>2 A. For about three years. Would have been 2014</p> <p>3 to 2017. 2013 to 2017, something like that.</p> <p>4 Q. Is that a cell phone number?</p> <p>5 A. No. It's a Comcast phone number.</p> <p>6 Q. A Comcast land line phone number?</p> <p>7 A. Yes.</p> <p>8 Q. Did you enter into a contract with Comcast</p> <p>9 for this number and the related service?</p> <p>10 A. I don't know. I don't recall.</p> <p>11 Q. In -- the next number is (703) 313-6405. Do</p> <p>12 you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ever hold that number?</p> <p>15 A. No.</p> <p>16 Q. Are you familiar with that number at all?</p> <p>17 A. Nope.</p> <p>18 Q. The next number is (773) 957-6403. Do you</p> <p>19 see that?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever hold that number?</p> <p>22 A. Nope.</p> <p>23 Q. Is it familiar to you?</p> <p>24 A. Nope.</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Almost two years ago.</p> <p>2 Q. Okay. And then it says you lived at, and</p> <p>3 there's a listing in the middle of the page. Do you see</p> <p>4 all those addresses that it says you lived at?</p> <p>5 A. I see a bunch of zip codes, cities and zip</p> <p>6 codes, yeah.</p> <p>7 Q. Did you live in all of those cities and zip</p> <p>8 codes?</p> <p>9 A. I never lived in Sterling, Virginia.</p> <p>10 Q. Other than that did you live at all these</p> <p>11 cities and zip codes?</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I think so.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Okay. Do you see the phone numbers listed?</p> <p>17 A. Yes.</p> <p>18 Q. Have you ever had the phone number (773)</p> <p>19 801-0023?</p> <p>20 A. Yes.</p> <p>21 Q. Do you currently have that phone number?</p> <p>22 A. No.</p> <p>23 Q. When did you have that phone number?</p> <p>24 A. Four years ago.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. The next number is (773) 855-9178 over on the</p> <p>2 right-hand side. Did you ever hold that number?</p> <p>3 A. Not that I can think of.</p> <p>4 Q. Is it familiar to you at all?</p> <p>5 A. Nope.</p> <p>6 Q. The last number is (703) 313-1364. Do you</p> <p>7 see that?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever hold that number?</p> <p>10 A. Nope.</p> <p>11 Q. Is it familiar to you?</p> <p>12 A. Not at all.</p> <p>13 Q. What is your current cell phone number?</p> <p>14 A. Is that relevant?</p> <p>15 MR. BEAUMONT: Objection, form.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. You can answer the question.</p> <p>18 A. (313) 6 -- hold on. What is my current phone</p> <p>19 number? I don't know my own frickin' phone number. Hold</p> <p>20 on. (313) -- no. Oh, come on. I have to look up my own</p> <p>21 phone number. (312) 459-0876.</p> <p>22 Q. (312) 459-0786; is that right?</p> <p>23 A. 0876.</p> <p>24 Q. (312) 459-0876?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. Yes.</p> <p>2 Q. Do you have any other cell numbers --</p> <p>3 A. Nope.</p> <p>4 Q. -- currently?</p> <p>5 Have you had other cell numbers in the past?</p> <p>6 MR. BEAUMONT: Objection, form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I can only remember one. Actually, no, I</p> <p>9 can't even remember that one because I haven't had it for</p> <p>10 years. (313) -- (312) I think 313-6404.</p> <p>11 Q. Any others?</p> <p>12 A. Not that I can recall.</p> <p>13 Q. How long have you had (312) 459-0876?</p> <p>14 A. Since September of 2018.</p> <p>15 Q. What is the carrier?</p> <p>16 A. T Mobile.</p> <p>17 Q. Did you enter into a contract with T Mobile</p> <p>18 for that phone and the related service?</p> <p>19 A. I don't know.</p> <p>20 Q. In producing any discovery in this case, in</p> <p>21 preparing for this deposition, did you look for your T</p> <p>22 Mobile contract?</p> <p>23 A. No.</p> <p>24 Q. Does your T Mobile contract allow for sharing</p>	<p style="text-align: right;">Page 104</p> <p>1 It's -- it's been a year and a half, two years.</p> <p>2 Q. Anything else?</p> <p>3 A. I just remember general stuff about it.</p> <p>4 MR. KIMREY: Counsel, we'd like a copy of that</p> <p>5 contract as well as any contracts with Credit Karma,</p> <p>6 Equifax, TransUnion and Experion which are all responsive</p> <p>7 to our pending discovery.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. So you said you got that number in September</p> <p>10 of 2018. Before that was your cell phone number this</p> <p>11 (312) 313-6404?</p> <p>12 A. Yes.</p> <p>13 MR. BEAUMONT: Objection, form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Who was the service provider?</p> <p>16 A. Sprint.</p> <p>17 Q. Did you enter into a contract with Sprint</p> <p>18 related to that number?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Is it possible that you did?</p> <p>21 MR. BEAUMONT: Objection, form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I don't know.</p> <p>24</p>
<p style="text-align: right;">Page 103</p> <p>1 with third parties of (312) 459-0876?</p> <p>2 MR. BEAUMONT: Objection, form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Not to my knowledge.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Is it possible that it does?</p> <p>7 A. I would think not, no.</p> <p>8 Q. Why would you think not?</p> <p>9 A. Because there's no reason for T Mobile to</p> <p>10 give my phone number to anybody else.</p> <p>11 Q. Have you ever read any contract related to</p> <p>12 provision of T Mobile service via (312) 459-0876?</p> <p>13 A. I think so, yeah.</p> <p>14 Q. When?</p> <p>15 A. September of 2018.</p> <p>16 Q. What did it say?</p> <p>17 A. That I'm -- they're assigning me that phone</p> <p>18 number and from -- I have to pay the -- how much my bill</p> <p>19 is going to be, how much it's gonna cost for my phone.</p> <p>20 I -- and I think there was something about that they're</p> <p>21 not -- something about that they don't -- they're not</p> <p>22 gonna give away -- give my phone number to anybody unless</p> <p>23 like -- like ordered by a court, that my phone number is</p> <p>24 mine and it's not like free information if I recall.</p>	<p style="text-align: right;">Page 105</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Did you read any contract with Sprint related</p> <p>3 to provision of (312) 313-6404?</p> <p>4 A. Just the same thing, that this is my phone</p> <p>5 number, this is how much the phone is going to be --</p> <p>6 cost, this is how much my monthly bill is.</p> <p>7 Q. So you do recall there was a contract with</p> <p>8 Sprint?</p> <p>9 A. I --</p> <p>10 MR. BEAUMONT: Objection, form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I know there was a thing that we had to fill</p> <p>13 out for getting the phone number.</p> <p>14 MR. KIMREY: We'd also like the Sprint</p> <p>15 contract or contracts which are, you know, responsive to</p> <p>16 our discovery, counsel.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Let's go to Exhibit 2, Page 15. So, Ms.</p> <p>19 Lukis, again this is a CheckPeople report. I'd like you</p> <p>20 to look at 8 in the middle of Page 15 of Exhibit 2. It</p> <p>21 says: "CheckPeople wants your personal information to be</p> <p>22 complete and accurate. As stated in the terms of</p> <p>23 service, by using the service, you represent and warrant</p> <p>24 that all information you provide in connection with your</p>

<p style="text-align: right;">Page 106</p> <p>1 use of the service is current, complete and accurate and  2 that you will update that information as needed to  3 maintain its completeness and accuracy. To confirm the  4 completeness and accuracy or make changes to your  5 personal information, visit your personal profile.  6 Through your personal profile, you may review and update  7 your personal information that we have already  8 collected." Did I read that accurately?  9 A. Yes.  10 Q. Have you ever visited CheckPeople?  11 A. Never heard of --  12 MR. BEAUMONT: Objection, form.  13 BY THE WITNESS:  14 A. Never heard of it before today.  15 BY MR. KIMREY:  16 Q. Now that you know that CheckPeople has  17 information about you, some of which is accurate, some of  18 which is inaccurate, do you plan to notify CheckPeople of  19 the inaccuracies?  20 MR. BEAUMONT: Objection, form.  21 BY THE WITNESS:  22 A. I'm not planning on contacting them at all.  23 BY MR. KIMREY:  24 Q. Do you plan on asking them to remove your</p>	<p style="text-align: right;">Page 108</p> <p>1 BY THE WITNESS:  2 A. Yes, I see it's from mylife.com.  3 BY MR. KIMREY:  4 Q. At the bottom of the first page -- well, let  5 me just back up.  6 Does this appear to be a record related to  7 you?  8 A. Yes.  9 Q. Down at the bottom it says: "Temporary at  10 Robert Half International is presently Stefanie's  11 occupation." Is that true?  12 A. No.  13 MR. BEAUMONT: Objection, form.  14 BY MR. KIMREY:  15 Q. Have you ever been a temporary staff through  16 Robert F. Legal or Robert Half International?  17 A. Oh, jeeze.  18 MR. BEAUMONT: Objection, form.  19 BY THE WITNESS:  20 A. 2004, I think.  21 BY MR. KIMREY:  22 Q. Did you enter into a contract with Robert  23 Half?  24 A. No.</p>
<p style="text-align: right;">Page 107</p> <p>1 profile?  2 MR. BEAUMONT: Objection, form.  3 BY THE WITNESS:  4 A. I would like to. There's no reason anybody  5 should have access to my personal information.  6 BY MR. KIMREY:  7 Q. Why is that?  8 A. Because I'm a private citizen not a public  9 figure or celebrity.  10 Q. Does your private information include your  11 name?  12 A. I would -- yes. My name is not something  13 that should be searchable on anybody's website, to be  14 able to pull up my name, address and phone number.  15 Q. Okay. Let's go onto number 3, so this is  16 Exhibit Number 3. It's actually folder 1, sub 3. Are  17 you familiar with MyLife?  18 A. Never heard of it.  19 Q. We pulled this information from  20 www.mylife.com as indicated at the top of Page 1. Do you  21 see that?  22 MR. BEAUMONT: Just for the record, I object  23 to this line of questioning, the previous MyLife question  24 and this question. You can answer the question.</p>	<p style="text-align: right;">Page 109</p> <p>1 MR. BEAUMONT: Objection, form.  2 BY MR. KIMREY:  3 Q. Have you ever signed up for any other  4 staffing agencies?  5 A. I don't know.  6 Q. Have you ever signed up for Monster?  7 A. No.  8 Q. Have you ever signed up for Kelly?  9 A. Never heard of it.  10 Q. Let's go to Page 21 of Exhibit 3. You see in  11 the middle of the page it says: "How we collect your  12 information," Ms. Lukis?  13 A. Yeah.  14 Q. And then it lists, going from Page 21 to Page  15 23, voluntary submissions, testimonials, Facebook Connect  16 and other social network, APIs, third-party sources and  17 publicly available information, referral information,  18 passive collection, cookies, web beacons and other  19 tracking technologies. Do you see all of that?  20 A. Yes.  21 Q. Did I read all of that accurately?  22 A. Yes.  23 Q. Do you have any reason to believe that  24 MyLife's assertion about where it gets this information</p>

<p style="text-align: right;">Page 110</p> <p>1 is false?</p> <p>2 MR. BEAUMONT: Objection, form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't know.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Okay. Do you know what Facebook Connect and</p> <p>7 other social network -- I'm on Page 21. Do you know what</p> <p>8 Facebook Connect and other social network APIs means?</p> <p>9 MR. BEAUMONT: Objection, form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. No.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Do you know what an API is?</p> <p>14 A. No, I do not.</p> <p>15 MR. BEAUMONT: Objection, form.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Do you know what Facebook Connect is?</p> <p>18 A. No, I do not.</p> <p>19 Q. On Page 27 MyLife says quote -- first full</p> <p>20 paragraph at the top: "If you would like to request that</p> <p>21 we remove a member profile or a public profile from our</p> <p>22 active database or claim ownership of a member profile,</p> <p>23 simply visit our Help section or contact Customer Care</p> <p>24 toll free at 888-466-1066 Monday through Friday 6 a.m. to</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Because I am a private citizen not a public</p> <p>2 official or celebrity. There's no reason anybody should</p> <p>3 have my information.</p> <p>4 Q. Is there any other reason?</p> <p>5 A. I don't want my information available to the</p> <p>6 public.</p> <p>7 Q. Is there any other reason?</p> <p>8 A. The main reason is so that way my stalker</p> <p>9 mother can't find my phone number or mailing address.</p> <p>10 Q. Is there any other reason?</p> <p>11 A. No.</p> <p>12 Q. Let's go to folder 1, sub 4, FastPeople.</p> <p>13 This is a FastPeople report that we pulled as well as the</p> <p>14 terms and conditions in the privacy policy. I assume,</p> <p>15 Ms. Lukis, you've never seen what I'm showing you at Page</p> <p>16 1 of --</p> <p>17 A. I've never heard of the website, so --</p> <p>18 MR. BEAUMONT: Objection. Objection. Is this</p> <p>19 marked as an exhibit?</p> <p>20 MR. KIMREY: Yeah, it's marked as Exhibit 4, I</p> <p>21 believe.</p> <p>22 MR. BEAUMONT: So I'm going to continue my</p> <p>23 objection to the MyLife and FastPeople reports marked as</p> <p>24 Exhibits 3 and 4 as this has never been provided in</p>
<p style="text-align: right;">Page 111</p> <p>1 9 p.m. PST. Upon receipt of any such request, we will</p> <p>2 take reasonable steps to validate that you are the</p> <p>3 correct owner of the profile that is the subject of your</p> <p>4 request. This precaution is designed to protect our</p> <p>5 users and their privacy and may require us to connect --</p> <p>6 to contact you for confirmation purposes. Following</p> <p>7 verification of profile ownership, we will take</p> <p>8 reasonable steps to remove a profile from public display</p> <p>9 on the website. However, some portions of the</p> <p>10 information contained in your profile may remain in our</p> <p>11 back-up systems." Did I read that accurately?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever contacted MyLife to change or</p> <p>14 remove your profile?</p> <p>15 A. I didn't know it existed before today.</p> <p>16 MR. BEAUMONT: Objection, form.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Could you repeat that?</p> <p>19 A. I didn't know it existed before today.</p> <p>20 Q. Now that you know that, what do you intend to</p> <p>21 do?</p> <p>22 A. Contact them and get my information pulled</p> <p>23 off of their website.</p> <p>24 Q. Why is that?</p>	<p style="text-align: right;">Page 113</p> <p>1 discovery and is not Bates labeled. It has not been</p> <p>2 provided to Ms. Lukis or counsel for her until just now.</p> <p>3 MR. KIMREY: It's publicly available, and we</p> <p>4 just became aware of it.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Okay. So do you see the phone number on Page</p> <p>7 1 (773) 801-0023?</p> <p>8 A. Yes.</p> <p>9 Q. I may have asked you this before in</p> <p>10 connection with one of the other reports, but do you</p> <p>11 recognize that phone number?</p> <p>12 A. Yes. It is my Comcast number from four years</p> <p>13 ago.</p> <p>14 Q. Okay. Do you have any reason to believe that</p> <p>15 that number isn't public record?</p> <p>16 A. I would think that it's an unlisted number,</p> <p>17 but I don't know what the current owner of that phone</p> <p>18 number is doing with it.</p> <p>19 Q. Did you put it -- is it -- sorry. Was the</p> <p>20 number unlisted by you?</p> <p>21 A. Yes.</p> <p>22 Q. Was it unlisted from its assignment to you</p> <p>23 until its relinquishment by you?</p> <p>24 A. Yes.</p>



<p style="text-align: right;">Page 114</p> <p>1 Q. Was it listed on the do not call registry?</p> <p>2 A. Yes.</p> <p>3 Q. Did you list it on --</p> <p>4 A. Yes.</p> <p>5 Q. -- the do not call registry?</p> <p>6 A. Yes.</p> <p>7 Q. Let's go to Page 7. Do you see the telephone</p> <p>8 numbers near the middle of the page?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recognize (773) 957-6403?</p> <p>11 A. No.</p> <p>12 Q. Do you recognize (312) 351-2022?</p> <p>13 A. Yes.</p> <p>14 Q. What is that?</p> <p>15 A. That was my husband's cell phone number.</p> <p>16 Q. Do you recognize (773) 801-0023?</p> <p>17 A. Yes. That's the Comcast number from four</p> <p>18 years ago.</p> <p>19 Q. Do you recognize (571) 230-6064?</p> <p>20 A. No.</p> <p>21 Q. Do you recognize (773) 855-9178?</p> <p>22 A. No.</p> <p>23 Q. Do you recognize (703) 313-6405?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 116</p> <p>1 BY THE WITNESS:</p> <p>2 A. Not that I know of.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Turn to Page 36. Do you see at IV it says:</p> <p>5 "Your rights"?</p> <p>6 A. Yes.</p> <p>7 Q. And below that it says: "Delete"?</p> <p>8 A. Yes.</p> <p>9 Q. It says: "Upon request we can block the</p> <p>10 records we have control over in our database from being</p> <p>11 shown on our applications. You can request for your</p> <p>12 personal information to be blocked from being searched</p> <p>13 using the link below. Unless otherwise required by law,</p> <p>14 we will only accept opt-out requests directly from the</p> <p>15 individual whose information is being opted-out, and we</p> <p>16 reserve the right to require verification of identity and</p> <p>17 reject opt-out requests at our sole discretion. Of</p> <p>18 course, we are unable to remove any information --" I'm</p> <p>19 now on Page 37 "-- any information about you from</p> <p>20 databases operated by third parties. We may need you to</p> <p>21 provide additional information to verify your request</p> <p>22 such as providing data elements so that we can confirm</p> <p>23 they match the information already maintained by us. We</p> <p>24 will not use this additional information for anything</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Do you recognize (703) 313-1364?</p> <p>2 A. No.</p> <p>3 MR. BEAUMONT: Counsel, we're a few minutes</p> <p>4 away from 12:30. What are your plans as far as like a</p> <p>5 lunch break? I don't know how much more you have or</p> <p>6 what.</p> <p>7 MR. KIMREY: How about 1-ish Central? That</p> <p>8 kind of presents a natural break in the exhibits. Will</p> <p>9 that work?</p> <p>10 MR. BEAUMONT: Ms. Lukis?</p> <p>11 THE WITNESS: That's fine by me.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Okay. I'd like to turn to Page 28 of this</p> <p>14 exhibit. Do you see, Ms. Lukis, that it says: "Privacy</p> <p>15 Policy" at the top?</p> <p>16 A. Yes.</p> <p>17 Q. If you turn to the next page, Page 29, it</p> <p>18 lists -- FastPeople Search lists the categories of</p> <p>19 personal information that it collects and the various</p> <p>20 sources. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any reason to believe that the</p> <p>23 sources listed by FastPeople Search are inaccurate?</p> <p>24 MR. BEAUMONT: Objection, form.</p>	<p style="text-align: right;">Page 117</p> <p>1 other than handling your request. We do not accept</p> <p>2 opt-out requests via fax or e-mail. To manage or remove</p> <p>3 your public records from our database, please go to," and</p> <p>4 it provides a web address. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Were you aware before today that FastPeople</p> <p>7 Search had a profile on you?</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I was unaware of FastPeople Search at all.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Now that you know that FastPeople Search has</p> <p>13 a profile on you, what do you intend to do?</p> <p>14 A. Remove my information from their database.</p> <p>15 Q. Why is that?</p> <p>16 A. Because I am a private citizen not a public</p> <p>17 official or celebrity. Nobody should have access to my</p> <p>18 private information.</p> <p>19 Q. Any other reasons?</p> <p>20 A. No.</p> <p>21 Q. Okay. Let's go to 1, sub 5. Okay. So this</p> <p>22 is now marked as Exhibit 5 for this deposition. This is</p> <p>23 a PeekYou report that we pulled. Do you see that your</p> <p>24 name, your maiden name is listed near the top,</p>

<p style="text-align: right;">Page 118</p> <p>1 Stephanie M. Klatte?</p> <p>2 MR. BEAUMONT: First of all, again, we have</p> <p>3 not been provided this Exhibit 5 until right now. This</p> <p>4 does not -- Exhibit 5 is not Bates numbered. I don't</p> <p>5 believe that Stephanie Lukis is aware of this Exhibit 5,</p> <p>6 and I believe she -- if she so needs, she should have an</p> <p>7 opportunity to review this document.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Ms. Klatte, do you see your name is at the</p> <p>10 top?</p> <p>11 MR. BEAUMONT: Objection. The Plaintiff's</p> <p>12 name is Stephanie Lukis. You addressed her as Ms.</p> <p>13 Klatte.</p> <p>14 MR. KIMREY: Stop testifying, Mr. Beaumont.</p> <p>15 THE WITNESS: I was about to say the same</p> <p>16 thing. My last name is Lukis not Klatte.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Right. Your maiden name is Klatte; right?</p> <p>19 A. Yes, but my current name is Lukis.</p> <p>20 Q. Okay. So in referring to Stephanie M.</p> <p>21 Klatte, do you think that this refers to you?</p> <p>22 A. Yes. They got my age wrong.</p> <p>23 Q. Let's turn to Page 12. Do you see that this</p> <p>24 says PeekYou privacy policy --</p>	<p style="text-align: right;">Page 120</p> <p>1 about you;" correct?</p> <p>2 A. Yes.</p> <p>3 Q. It goes on to say: "PeekYou is a search</p> <p>4 engine that indexes information from unaffiliated</p> <p>5 websites on the public internet. You may remove</p> <p>6 information --" Well, let me stop there. Do you have any</p> <p>7 reason to believe that statement by PeekYou is false?</p> <p>8 MR. BEAUMONT: Objection, form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. No.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Okay. Going on: "You may remove information</p> <p>13 from www.peakyou.com by filling out the web form</p> <p>14 available at," and it gives a URL. Removing information</p> <p>15 from our services does not constitute removal from the</p> <p>16 internet. As such, you understand that your information</p> <p>17 may resurface on www.peakyou.com if you do not take</p> <p>18 additional steps to limit your privacy settings or remove</p> <p>19 your information on unaffiliated websites that are the</p> <p>20 original sources of information. We may require</p> <p>21 additional information from you to allow us to confirm</p> <p>22 your identity prior to removal." Did I read that</p> <p>23 accurately?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 119</p> <p>1 A. Yes.</p> <p>2 Q. -- Ms. Lukis?</p> <p>3 Then at Page 13, at C it says: "Information</p> <p>4 from other sources. We also receive information from</p> <p>5 other sources. The categories of sources from which we</p> <p>6 collect and have collected information including the last</p> <p>7 12 months include data brokers or resellers, social</p> <p>8 networks, partners and public sources." Do you see all</p> <p>9 of that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have any reason to believe that</p> <p>12 PeekYou's representation about where it gets</p> <p>13 information --</p> <p>14 MR. BEAUMONT: Objection.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. -- from other sources is false?</p> <p>17 MR. BEAUMONT: Objection, form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. No.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Turn to Page 15. Do you see at 7 it says:</p> <p>22 "Your rights and choices"?</p> <p>23 A. Yes.</p> <p>24 Q. Then it says at 7A: "Removing search results</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Were you aware of this profile related to you</p> <p>2 on PeekYou before this deposition?</p> <p>3 A. I was not aware of peekyou.com at all.</p> <p>4 Q. Now that you are aware of PeekYou and this</p> <p>5 profile, what do you intend to do?</p> <p>6 A. Go onto their website and remove the</p> <p>7 information.</p> <p>8 MR. BEAUMONT: Objection to form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Why is that?</p> <p>11 A. Because I'm a private citizen not a public</p> <p>12 official or celebrity, and there's no reason anybody</p> <p>13 should have access to my private information.</p> <p>14 Q. Any other reason?</p> <p>15 A. No.</p> <p>16 MR. KIMREY: Okay. I think now's a good</p> <p>17 breaking point. It's actually before 1 -- 12:35. So I'd</p> <p>18 keep going, Ms. Lukis, but if you want to take a break</p> <p>19 for lunch, we can do that. It's totally up to you.</p> <p>20 THE WITNESS: No, I'd like to go get something</p> <p>21 to eat.</p> <p>22 MR. KIMREY: Okay. So let's go off the</p> <p>23 record.</p> <p>24 How long do you need, Ms. Lukis?</p>



<p style="text-align: right;">Page 122</p> <p>1 THE WITNESS: Say about half an hour.</p> <p>2 MR. KIMREY: Okay. Let's go ahead and resume</p> <p>3 at 1:10 Central. Does that work for everybody?</p> <p>4 MR. BEAUMONT: Yep.</p> <p>5 THE WITNESS: Sure.</p> <p>6 THE VIDEOGRAPHER: Okay. Going off the video</p> <p>7 record at 12:35 p.m.</p> <p>8 (WHEREUPON, a lunch break</p> <p>9 was taken.)</p> <p>10 Good afternoon. We are going back on the</p> <p>11 video record at 1:14 p.m.</p> <p>12 You may proceed.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Good afternoon, Ms. Lukis.</p> <p>15 You understand that you're still under oath?</p> <p>16 A. Yep.</p> <p>17 Q. Did you confer with your counsel at all</p> <p>18 during our lunch break?</p> <p>19 MR. BEAUMONT: Objection. We're not going to</p> <p>20 get into conversations that Ms. Lukis had with -- with</p> <p>21 counsel. It's attorney/client privilege, and I instruct</p> <p>22 the witness not to answer.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Do you follow your counsel's advice not to</p>	<p style="text-align: right;">Page 124</p> <p>1 lunch break?</p> <p>2 A. About whether -- about our kid.</p> <p>3 Q. Did you discuss anything else with him</p> <p>4 related to the deposition?</p> <p>5 A. No.</p> <p>6 Q. You said earlier I believe that the first</p> <p>7 time you had met Plaintiffs' counsel Roberto Costales was</p> <p>8 today; is that right?</p> <p>9 A. Yes. I've been dealing with William</p> <p>10 Beaumont.</p> <p>11 Q. When did you first meet William Beaumont?</p> <p>12 MR. BEAUMONT: Objection. I don't understand</p> <p>13 the relevancy. Well, objection to the form.</p> <p>14 You can answer the question if you recall.</p> <p>15 BY THE WITNESS:</p> <p>16 A. It was September -- not September. I think</p> <p>17 June of last -- of 2019, I think. Yeah, I think it was</p> <p>18 June of 2019.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. How many times have you spoken with Mr.</p> <p>21 Beaumont between then and now roughly?</p> <p>22 MR. BEAUMONT: Objection. Objection,</p> <p>23 attorney/client privilege. We're not going to -- I</p> <p>24 instruct the witness not to answer any -- any -- the</p>
<p style="text-align: right;">Page 123</p> <p>1 answer, Ms. Lukis?</p> <p>2 A. Yes, I do.</p> <p>3 MR. KIMREY: Okay. I just want to note, Mr.</p> <p>4 Beaumont, again, it's a mischaracterization of the law.</p> <p>5 During breaks the witness is still under oath, and the</p> <p>6 discussions with counsel are proper ponder for</p> <p>7 questioning unless application of privilege, work product</p> <p>8 or trade secret protection are discussed. So the</p> <p>9 position you're taking with respect to discussions with</p> <p>10 counsel during breaks while Ms. Lukis is still under oath</p> <p>11 is just flat out wrong. Do you want to reconsider that</p> <p>12 position?</p> <p>13 MR. BEAUMONT: No. The -- our position is is</p> <p>14 that conversations that we had are protected by</p> <p>15 attorney/client privilege, and so we are instructing her</p> <p>16 not -- not -- not to answer.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Are you following your counsel's advice, Ms.</p> <p>19 Lukis?</p> <p>20 A. Yes, I am.</p> <p>21 Q. Did you review any documents during the lunch</p> <p>22 break?</p> <p>23 A. No.</p> <p>24 Q. Did you speak to your husband during the</p>	<p style="text-align: right;">Page 125</p> <p>1 content of any communications with her counsel or the</p> <p>2 number of meetings or whatnot I think are privileged</p> <p>3 communications under attorney/client privilege.</p> <p>4 MR. KIMREY: I didn't ask for content. I</p> <p>5 asked for about how many times she had met with you.</p> <p>6 MR. BEAUMONT: I think that that's --</p> <p>7 MR. KIMREY: Mr. Beaumont --</p> <p>8 MR. BEAUMONT: I think that is also</p> <p>9 attorney/client privilege. I think -- and I instruct the</p> <p>10 witness not to answer.</p> <p>11 MR. KIMREY: Okay. You're wrong about that.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Are you going to follow your counsel's</p> <p>14 instruction not to answer, Ms. Lukis?</p> <p>15 A. Yes.</p> <p>16 Q. Did you meet with Mr. Beaumont yesterday?</p> <p>17 MR. BEAUMONT: Objection. Again, I</p> <p>18 instruct -- this is attorney/client privilege, and I</p> <p>19 instruct the witness not to answer.</p> <p>20 MR. KIMREY: It's not privileged.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. But are you going to follow your counsel's</p> <p>23 instruction not to answer?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. Have you met with Mr. Beaumont at any time in 2 2021 other than today? 3 MR. BEAUMONT: Objection. Again, counsel, 4 this is -- this is privileged matters, and so I object on 5 the grounds of attorney/client privilege, and I instruct 6 the witness not to answer. 7 MR. KIMREY: Okay. It's not privileged. 8 You're wrong. 9 BY MR. KIMREY: 10 Q. Are you going to follow your counsel's advice 11 not to answer? 12 A. Yes. 13 Q. How many times in 2020 did you meet with Mr. 14 Beaumont? 15 MR. BEAUMONT: Objection. Again, this is 16 calling for communications and discussions with her 17 lawyer, and I just don't see how this is -- this is 18 appropriate, and I believe this is attorney/client 19 privilege. 20 MR. KIMREY: I clearly didn't ask for the 21 content of any communications, and this is not 22 attorney/client privilege, and the position you're taking 23 is inaccurate and, in fact, sanctionable. 24</p>	<p style="text-align: right;">Page 128</p> <p>1 answer. 2 BY MR. KIMREY: 3 Q. Are you going to follow your counsel's 4 instruction not to answer? 5 A. Yes. 6 Q. Are you being compensated in any way to serve 7 as a Plaintiff in this case? 8 A. No. 9 Q. Have you signed an engagement letter with 10 Beaumont Costales related to their representation of you 11 in this case? 12 A. I don't know what that is. Can you clarify? 13 Q. Did you sign any form of contract with the 14 law firm representing you in this matter? 15 A. Yes, I think so. Let me look. I have no -- 16 yeah. 17 Q. Do you recall what it said? 18 A. No. It was an agreement to work with them as 19 the class representative. I don't remember the exact 20 details. 21 Q. Has the firm offered you any kind of 22 incentive to serve as the class representative? 23 A. No. 24 Q. Okay. Let's move onto the next exhibit which</p>
<p style="text-align: right;">Page 127</p> <p>1 BY MR. KIMREY: 2 Q. But, Ms. Lukis, do you want to follow your 3 counsel's advice and not answer? 4 A. Honestly I don't know. As in I don't know 5 how many times I talked to him. You're asking questions 6 I don't know the answer to. 7 Q. Did you speak with him in 2021 before today? 8 A. I -- probably. I don't know. 9 Q. So you don't know as you sit here today on 10 January 5th -- 11 A. I don't know the -- 12 Q. -- whether you spoke to him on January 1st, 13 January 2nd, January 3rd or January 4th? 14 A. I talked to him yesterday, but I don't see 15 the relevance. 16 Q. Is yesterday the only time you spoke with him 17 in 2021 before today? 18 A. Yes. 19 Q. How long did you speak with him? 20 A. I don't know. 21 MR. BEAUMONT: Objection. We're not going to 22 get into -- not going to get into that. That's getting 23 into the content of communications, and we're just not 24 going to get into that. I instruct the witness not to</p>	<p style="text-align: right;">Page 129</p> <p>1 is folder 1, sub 6 to be marked as Exhibit 6. 2 Before we go there, Ms. Lukis, before today 3 were you even aware that Roberto Costales exists? 4 A. Yes. 5 Q. How were you aware of that? 6 A. I -- it's -- I don't know how to -- his name 7 has been included in communications, I think. I don't -- 8 I don't remember. 9 Q. Before the Complaint was filed in this case 10 was it shared with you? 11 A. No. 12 Q. Did you provide any input on the Complaint in 13 this case? 14 A. No. 15 Q. Have you ever seen the Complaint? 16 A. Yes. 17 Q. When? 18 A. I don't know the date -- the dates of when 19 I've -- when I've seen it, but I've been in communication 20 about what -- what's going on so that way I'm aware of 21 what's in the Complaint. 22 Q. Have you read the Complaint? 23 A. At one point. 24 Q. When?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. I don't know. I've gotten -- every time</p> <p>2 there's been updates in filings I've gotten copies of</p> <p>3 them.</p> <p>4 Q. How do you receive copies?</p> <p>5 A. They e-mail me the information so that way</p> <p>6 I'm kept in the loop.</p> <p>7 Q. To what e-mail address?</p> <p>8 A. Stephanie.lukis@gmail.com.</p> <p>9 Q. Has your counsel ever shared with you any of</p> <p>10 the filings before they were filed?</p> <p>11 A. No.</p> <p>12 Q. Okay. Exhibit 6.</p> <p>13 A. That thing's ancient.</p> <p>14 Q. So this is a LinkedIn account we identified</p> <p>15 on December 30th, 2020. You can see up in the upper</p> <p>16 left-hand corner the date. Do you see that?</p> <p>17 A. Yes.</p> <p>18 MR. KIMREY: And, Michael, are you there?</p> <p>19 MR. TOTH: Yeah, I'm here.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. You said this thing is ancient. So do you</p> <p>22 recognize this, Ms. Lukis?</p> <p>23 A. Yes. I was referring to the content of where</p> <p>24 it says "seeking a challenging new position." I haven't</p>	<p style="text-align: right;">Page 132</p> <p>1 A. Yes.</p> <p>2 Q. Is Homeliving a company?</p> <p>3 A. Yes. It's Homeliving Fireplaces. They build</p> <p>4 fireplaces and outdoor pagodas.</p> <p>5 Q. What did you do there?</p> <p>6 A. I was the person who if you came into the</p> <p>7 store I talked to you about fireplaces, talked to you</p> <p>8 about pagodas, try and sell stuff.</p> <p>9 Q. The only experience you list in your LinkedIn</p> <p>10 profile is McCormick &amp; Schmick's and Homeliving. Why is</p> <p>11 that?</p> <p>12 MR. BEAUMONT: Objection, form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Because I never update my LinkedIn profile.</p> <p>15 I don't get on line very often. I don't constantly post</p> <p>16 on LinkedIn. I don't constantly post on Facebook.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Since these entries are for May of 2018 to</p> <p>19 September of 2018, is it fair to assume that you entered</p> <p>20 them on or after September of 2018?</p> <p>21 A. Yeah.</p> <p>22 Q. Before September of 2018 did you have any</p> <p>23 work experience other than McCormick &amp; Schmick's and</p> <p>24 Homeliving?</p>
<p style="text-align: right;">Page 131</p> <p>1 updated that thing in LinkedIn in six months or in the --</p> <p>2 yeah. Oh, my brain's not working today. I haven't</p> <p>3 updated that thing in forever. I never go on line and</p> <p>4 post anything.</p> <p>5 Q. Is this your LinkedIn account?</p> <p>6 A. Yes.</p> <p>7 Q. Is this your only LinkedIn account?</p> <p>8 A. Yes.</p> <p>9 Q. Is this the only LinkedIn account you've ever</p> <p>10 had since the beginning of your life?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So at Page 1 where it says "Stephanie</p> <p>13 Lukis," you actually entered that name; right?</p> <p>14 A. Yes.</p> <p>15 Q. And it says lower on Page 1 that your</p> <p>16 experience includes being a server at McCormick &amp;</p> <p>17 Schmick's from May 2018 to September of 2018; is that</p> <p>18 accurate?</p> <p>19 A. Yes.</p> <p>20 Q. What McCormick &amp; Schmick's?</p> <p>21 A. Reston, Virginia.</p> <p>22 Q. And then you list Client Services</p> <p>23 Coordinator, Homeliving May 2018 to September 2018. Do</p> <p>24 you see that?</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Yes, but I don't put it on my Facebook or on</p> <p>2 my LinkedIn.</p> <p>3 Q. Why is that?</p> <p>4 A. Because it's nobody's business.</p> <p>5 Q. Why is McCormick &amp; Schmick's and Homeliving</p> <p>6 people's business but your other jobs are not?</p> <p>7 MR. BEAUMONT: Form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Because I only list my most recent jobs. If</p> <p>10 and when I ever update, it I'm removing those and putting</p> <p>11 Amazon on there. I only keep my current employment.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Why would you put Amazon on there?</p> <p>14 A. Because that's my current employer.</p> <p>15 Q. Are you a W2 employee of Amazon?</p> <p>16 A. Yes.</p> <p>17 Q. What do you do for Amazon?</p> <p>18 A. I am a --</p> <p>19 MR. BEAUMONT: Objection to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. -- shopper at Whole Foods.</p> <p>22 MR. KIMREY:</p> <p>23 Q. I'm sorry. What is that?</p> <p>24 A. I am an Amazon Prime shopper at a Whole Foods</p>

<p style="text-align: right;">Page 134</p> <p>1 rest -- Whole Foods grocery store.</p> <p>2 Q. What Whole Foods?</p> <p>3 A. Hyde Park.</p> <p>4 Q. What's the address?</p> <p>5 A. I don't know. 51st and Lake Park Avenue.</p> <p>6 Q. How long have you been an Amazon Prime Whole</p> <p>7 Foods shopper?</p> <p>8 A. Since the middle of November, so two months.</p> <p>9 Q. Have you held any other jobs during that</p> <p>10 period?</p> <p>11 A. Not since I was working at Homeliving.</p> <p>12 Q. Did you fill out an application to be an</p> <p>13 employee at Whole Foods?</p> <p>14 A. Yeah.</p> <p>15 MR. KIMREY: Counsel, we would like a copy of</p> <p>16 that application. We'd also like a copy of the</p> <p>17 Craigslist ad or ads that you ran to solicit Plaintiffs</p> <p>18 for this matter, all of which is responsive to the</p> <p>19 discovery we propounded long ago.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Did you fill out an application to be</p> <p>22 employed by Homeliving?</p> <p>23 A. No.</p> <p>24 Q. Did you fill out an application to be an</p>	<p style="text-align: right;">Page 136</p> <p>1 A. No, not that I know of.</p> <p>2 Q. When did you join LinkedIn?</p> <p>3 A. I have no idea.</p> <p>4 Q. Was it a year ago, two years ago, three years</p> <p>5 ago?</p> <p>6 A. Probably two years ago.</p> <p>7 Q. By joining did you agree to LinkedIn's terms</p> <p>8 and conditions?</p> <p>9 A. Probably.</p> <p>10 MR. KIMREY: Somebody's typing. Could you go</p> <p>11 on mute, please.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. In joining did you agree to LinkedIn's</p> <p>14 privacy policy?</p> <p>15 A. I don't know.</p> <p>16 Q. Is it possible that you did?</p> <p>17 A. Possibly, yeah.</p> <p>18 Q. Is there any reason why you would have agreed</p> <p>19 to the terms and conditions but not the privacy policy?</p> <p>20 A. Maybe if I forgot to click a button. I don't</p> <p>21 know.</p> <p>22 Q. Have you ever read LinkedIn's terms and</p> <p>23 conditions?</p> <p>24 A. I've skimmed it but didn't actually read it</p>
<p style="text-align: right;">Page 135</p> <p>1 employee of McCormick &amp; Schmick's?</p> <p>2 A. Yes.</p> <p>3 MR. KIMREY: We'd also like that application,</p> <p>4 counsel.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Do you know what kind of information you</p> <p>7 shared on that application?</p> <p>8 A. Name, birth date, previous employers.</p> <p>9 Q. Anything else?</p> <p>10 A. That's about it.</p> <p>11 Q. Did you share the same sorts of information</p> <p>12 with Amazon to be a Prime shopper?</p> <p>13 A. Yes.</p> <p>14 Q. Did the application say anything about use of</p> <p>15 or sharing of the information that you provided?</p> <p>16 A. It said that they will not share my</p> <p>17 information. It was only --</p> <p>18 Q. Go ahead.</p> <p>19 A. It says that the information is for the</p> <p>20 purposes of applying for a job and there's no -- and</p> <p>21 they're not going to be sharing my information with</p> <p>22 anybody else.</p> <p>23 Q. Did it say anything else about sharing or use</p> <p>24 of your information?</p>	<p style="text-align: right;">Page 137</p> <p>1 word for word.</p> <p>2 Q. What do they say?</p> <p>3 A. As far as I can recall, it's stuff like</p> <p>4 their -- my information is going on their website and</p> <p>5 they're not gonna share it with others.</p> <p>6 Q. Anything else?</p> <p>7 A. It was -- it's been awhile. I don't remember</p> <p>8 all the details.</p> <p>9 Q. Did you read LinkedIn's privacy policy?</p> <p>10 A. That one's another one that says that they're</p> <p>11 not gonna share my information with anybody else, but</p> <p>12 other than that -- that's the main clause I look for in</p> <p>13 any -- anything like that.</p> <p>14 Q. Does it say anything else?</p> <p>15 A. I don't remember anything -- anything else.</p> <p>16 Q. Okay. So based on your memory, LinkedIn's</p> <p>17 terms and conditions say they won't share your</p> <p>18 information with anybody no matter what; is that correct?</p> <p>19 MR. BEAUMONT: Objection, form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. No matter what? It says they just will</p> <p>22 not -- it doesn't use the words no matter what, but it</p> <p>23 says they will not share my information with anyone else.</p> <p>24</p>

<p style="text-align: right;">Page 138</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. And LinkedIn's privacy policy says LinkedIn</p> <p>3 won't share your information with anyone else; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 MR. BEAUMONT: Objection, form.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. How did you agree to LinkedIn's terms and</p> <p>9 conditions?</p> <p>10 A. You check a box.</p> <p>11 Q. And did you check the box?</p> <p>12 A. Yes.</p> <p>13 Q. How did you agree to LinkedIn's privacy</p> <p>14 policy?</p> <p>15 A. By checking a box.</p> <p>16 Q. Did you check a box?</p> <p>17 A. Yeah. You kind of -- I think you have to.</p> <p>18 Q. Page 8. Page 8 is the beginning of</p> <p>19 LinkedIn's User Agreement. You can see at the top it</p> <p>20 says "User Agreement." Do you see that, Ms. Lukis?</p> <p>21 A. Yeah.</p> <p>22 Q. And at paragraph 1.1 more than halfway down</p> <p>23 the page, it says: "You agree that by clicking join now,</p> <p>24 join LinkedIn, sign up or similar registering, accessing</p>	<p style="text-align: right;">Page 140</p> <p>1 of the services." Did I read that accurately?</p> <p>2 A. Yes.</p> <p>3 Q. Did you agree to that by using LinkedIn?</p> <p>4 MR. BEAUMONT: Objection, form.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. You can answer.</p> <p>7 A. I said yes.</p> <p>8 Q. Okay. Going to 3 on Page 10 -- wait a</p> <p>9 second. Do you use LinkedIn InMail?</p> <p>10 A. No.</p> <p>11 Q. Have you ever used LinkedIn InMail?</p> <p>12 A. No.</p> <p>13 Q. Are you familiar with your privacy settings</p> <p>14 within LinkedIn?</p> <p>15 A. Yes.</p> <p>16 Q. Since the time you joined LinkedIn to the</p> <p>17 present how many times have you changed your privacy</p> <p>18 settings?</p> <p>19 A. One when I saw --</p> <p>20 MR. BEAUMONT: Objection, form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. One when I signed up for it and made</p> <p>23 everything private.</p> <p>24</p>
<p style="text-align: right;">Page 139</p> <p>1 or using our services described below, you are agreeing</p> <p>2 to enter into a legally binding contract with LinkedIn</p> <p>3 even if you are using our services on behalf of the</p> <p>4 company. If you do not agree to this contract, contract</p> <p>5 or user agreement, do not click join or similar and do</p> <p>6 not access or otherwise use any of our services." Did I</p> <p>7 read that accurately?</p> <p>8 A. Yes.</p> <p>9 Q. Did you agree to that in signing up for</p> <p>10 LinkedIn?</p> <p>11 MR. BEAUMONT: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Yes.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Turn to Page 10. You see at 2.5, this is</p> <p>16 Page 10 of Exhibit 6, it says: "Sharing"? Do you see</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. And it says, I quote, "Our services allow</p> <p>20 messaging and sharing of information in many ways, such</p> <p>21 as your profile, articles, group posts, links to news</p> <p>22 articles, job postings, messages and InMails.</p> <p>23 Information and content that you share or post may be</p> <p>24 seen by other members, visitors or others including off</p>	<p style="text-align: right;">Page 141</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. So you only modified your privacy settings</p> <p>3 upon the initial sign-up but didn't modify them any</p> <p>4 further thereafter; is that correct?</p> <p>5 A. That's correct.</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Have you produced your privacy settings in</p> <p>9 this case in response to Whitepages' discovery?</p> <p>10 A. If it's in the file that was submitted.</p> <p>11 Q. And you're talking about the information that</p> <p>12 you pulled within the past three days?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Let's go to 3 on Page 10, paragraph 3.</p> <p>15 It says, 3.1: "Your license to LinkedIn. As between you</p> <p>16 and LinkedIn, you own the content and information that</p> <p>17 you submit or post to the services, and you are only</p> <p>18 granting LinkedIn and our affiliates the following</p> <p>19 non-exclusive license: Worldwide, transferable and</p> <p>20 sublicenseable right to use, copy, modify, distribute,</p> <p>21 publish and process information and content that you</p> <p>22 provide through our services and the services of others</p> <p>23 without any further consent, notice and/or compensation</p> <p>24 to you or others." Did I read that accurately?</p>

<p style="text-align: right;">Page 142</p> <p>1 A. Yes.</p> <p>2 Q. Did you agree to that term in using LinkedIn?</p> <p>3 A. Yes.</p> <p>4 MR. BEAUMONT: Objection, form.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. You could answer.</p> <p>7 A. I said yes.</p> <p>8 Q. Then go down to sub 2 on the same page. The</p> <p>9 second sentence it says: "However, we have the right</p> <p>10 without payments to you or others to serve ads near your</p> <p>11 content and information, and your social actions may be</p> <p>12 visible and included with ads as noted in the privacy</p> <p>13 policy. If you use a service feature, we may mention</p> <p>14 that with your name or photo to promote that feature</p> <p>15 within our services subject to your settings." Did I</p> <p>16 read that accurately?</p> <p>17 A. Yes.</p> <p>18 Q. Did you agree to that in using LinkedIn?</p> <p>19 A. Yes.</p> <p>20 MR. BEAUMONT: Objection, form.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Sorry. Your counsel objected over you. What</p> <p>23 did you say?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 144</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Then at paragraph 5 at Page 11, second</p> <p>3 paragraph in 5 or right below 5 where it says: "You and</p> <p>4 LinkedIn," it says: "You and LinkedIn agree that we may</p> <p>5 access, store, process and use any information and</p> <p>6 personal data that you provide in accordance with the</p> <p>7 terms of the privacy policy and your choices including</p> <p>8 settings." Did I read that accurately?</p> <p>9 A. Yes.</p> <p>10 Q. Did you agree to that term in using LinkedIn?</p> <p>11 MR. BEAUMONT: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Yes.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Let's go to Page 16 of Exhibit 6. Do you see</p> <p>16 it says "Privacy Policy" at the top, Ms. Lukis?</p> <p>17 A. Yes.</p> <p>18 Q. This is LinkedIn's Privacy Policy. Turn to</p> <p>19 Page 17. And at 1.1 it says: "Data you provide to us,</p> <p>20 Registration. To create an account, you need to provide</p> <p>21 data including your name, e-mail address and/or mobile</p> <p>22 number and a password. If you register for Premium</p> <p>23 service, you will need to provide payment, e.g., credit</p> <p>24 card and billing information." Did I read that</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. So is it your understanding that you've</p> <p>2 agreed to allow LinkedIn to serve advertising in</p> <p>3 connection with your profile?</p> <p>4 MR. BEAUMONT: Objection, form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Yeah.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. And is it your understanding that that</p> <p>9 consent extends to third parties with which LinkedIn</p> <p>10 interacts?</p> <p>11 MR. BEAUMONT: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I think so. I don't know.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. At 3, second sentence it says: "However, if</p> <p>16 you choose to share your posts as public, we will enable</p> <p>17 a feature that allows other members to embed that public</p> <p>18 post on the third-party services and enable search</p> <p>19 engines to make that public content findable through the</p> <p>20 services." Did I read that accurately?</p> <p>21 A. Yes.</p> <p>22 Q. By using LinkedIn did you agree to that term?</p> <p>23 A. Yes.</p> <p>24 MR. BEAUMONT: Objection, form.</p>	<p style="text-align: right;">Page 145</p> <p>1 accurately?</p> <p>2 A. Yes.</p> <p>3 Q. In using LinkedIn did you agree to that term?</p> <p>4 A. Yes.</p> <p>5 MR. BEAUMONT: Objection, form.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Do you have a LinkedIn Premium account?</p> <p>8 A. No, I do not.</p> <p>9 Q. Have you ever had a LinkedIn Premium account?</p> <p>10 A. No, I have not.</p> <p>11 Q. Let's go to Page 21 of Exhibit 6. You see at</p> <p>12 the bottom it says: "How we share information," Ms.</p> <p>13 Lukis? Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. It says at 3.1: "Our services profile. Your</p> <p>16 profile is fully visible to all members and customers of</p> <p>17 our services subject to your settings. It can also be</p> <p>18 visible to others on or off our services, e.g. visitors</p> <p>19 to our services or users of third-party search engines as</p> <p>20 detailed in our Help Center, your settings, degree of</p> <p>21 connection with the viewing member, the subscriptions</p> <p>22 they may have, their usage of our services, access</p> <p>23 channels and search guides, e.g. by name or by key word</p> <p>24 impact the availability of your profile and whether they</p>



<p style="text-align: right;">Page 146</p> <p>1 can view certain fields in your profile." Did I read  2 that accurately?  3 A. Yes.  4 Q. By using LinkedIn did you agree to that term?  5 A. Yes.  6 MR. BEAUMONT: Objection, form.  7 BY THE WITNESS:  8 A. Yes.  9 BY MR. KIMREY:  10 Q. Okay. Let's go to 22. 3.3 you see where it  11 says: "Others services"?  12 A. Yes.  13 Q. It says: "Subject to your settings, other  14 services may look up your profile. When you opt to link  15 your account with other services, personal data will  16 become available to them. The sharing and use of that  17 personal data will be described in or linked to a consent  18 screen when you opt to link the accounts. For example,  19 you may link your Twitter or WeChat account to share  20 content from our services into these services or your  21 e-mail provider may give you the option to upload your  22 LinkedIn contacts into its own service. Third-party  23 services have their own privacy policies, and you may be  24 giving them permission to use your data in ways that we</p>	<p style="text-align: right;">Page 148</p> <p>1 you see that?  2 A. Yes.  3 Q. It says: "We provide many choices about the  4 collection, use and sharing of your data, from deleting  5 or correcting data you include in your profile and  6 controlling the visibility of your posts to advertising  7 opt-outs and communication controls. We offer you  8 settings to control and manage the personal data we have  9 about you. Personal data that we have about you you  10 can," first bullet point "delete data. You can ask us to  11 erase or delete all or some of your personal data, e.g.  12 that's no longer necessary to provide services to you."  13 Bullet point: "Change Or correct data. You can edit  14 some of your personal data through your account. You can  15 also ask us to change, update or fix your data in certain  16 cases particularly if it's inaccurate." Next bullet  17 point: "Object to or limit or restrict use of data. You  18 can ask us to stop using all or some of your personal  19 data, e.g. if we have no legal right to keep using it or  20 to limit our use of it, e.g. if your personal data is  21 inaccurate or unlawfully known." Next bullet point:  22 "Right to access and/or take your data. You can ask us  23 for a copy of your personal data, and you can ask for a  24 copy of personal data you provided in machine readable</p>
<p style="text-align: right;">Page 147</p> <p>1 would not. You may revoke the link with such accounts."  2 Did I read that accurately?  3 A. Yes.  4 Q. By using LinkedIn did you agree to those  5 terms?  6 A. Yes.  7 MR. BEAUMONT: Objection, form.  8 BY MR. KIMREY:  9 Q. And it goes on to say: "Subject to your  10 settings, excerpts from your profile will appear on the  11 services of others, e.g. search engine results, mail-in  12 calendar applications that show a user limited profile  13 data of the person they are meeting or messaging, social  14 media aggregators, talent and lead managers. All profile  15 information remains on these services until they update  16 their data cash with changes you made to your profile."  17 Did I read that accurately?  18 A. Yes.  19 Q. By using LinkedIn did you agree to that term?  20 A. Yes.  21 MR. BEAUMONT: Objection, form.  22 BY MR. KIMREY:  23 Q. Page 23. At 4.2 towards the bottom it says:  24 "Rights to accessing, control your personal data." Do</p>	<p style="text-align: right;">Page 149</p> <p>1 form." Okay. Did I read that accurately?  2 A. Yes.  3 Q. By using LinkedIn did you agree to those  4 terms?  5 A. Yes.  6 Q. Have you ever asked LinkedIn to do any of the  7 things in the bullet points I just read?  8 A. I have limited the use of my data.  9 Q. And the only time you say you did that was  10 when you signed up for the account; is that correct?  11 A. Yes.  12 Q. And ever since your sign-up to the account  13 you've never altered your settings at all; is that right?  14 A. That's correct.  15 Q. Last night your counsel produced to us a  16 rather large volume of LinkedIn-related material and  17 Facebook-related material. We have not had an  18 opportunity because of the late production to review all  19 of that for this deposition, and we reserve the right to  20 recall you at a time when we can review those materials.  21 But generally speaking, what sorts of things  22 have you posted to LinkedIn beyond what we just looked  23 at?  24 A. Nothing really.</p>



<p style="text-align: right;">Page 150</p> <p>1 MR. BEAUMONT: Objection, form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I don't post onto LinkedIn very often. I</p> <p>4 might -- at most I've used it to search for jobs.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Have you shared any telephone numbers on</p> <p>7 LinkedIn?</p> <p>8 A. No.</p> <p>9 Q. Does LinkedIn have any telephone numbers for</p> <p>10 you?</p> <p>11 MR. BEAUMONT: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I -- no, I don't think so.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Have you shared any contact information for</p> <p>16 you on LinkedIn?</p> <p>17 A. No.</p> <p>18 MR. BEAUMONT: Objection to form.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Does LinkedIn have any contact information</p> <p>21 for you?</p> <p>22 A. My e-mail address.</p> <p>23 Q. Did you provide your e-mail address to</p> <p>24 LinkedIn?</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Did you provide --</p> <p>2 MR. BEAUMONT: Objection, form.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. -- city locale to LinkedIn?</p> <p>5 A. I believe my city information is on there.</p> <p>6 That's it, and it's listed as I think the greater</p> <p>7 Chicagoland area.</p> <p>8 Q. Have you provided LinkedIn with any other</p> <p>9 information beyond what we've addressed here?</p> <p>10 A. No.</p> <p>11 Q. Have you linked LinkedIn with your Twitter</p> <p>12 account?</p> <p>13 A. No.</p> <p>14 MR. BEAUMONT: Objection, form.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Have you linked LinkedIn with your Facebook</p> <p>17 account?</p> <p>18 MR. BEAUMONT: Objection, form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. No.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Have you linked LinkedIn with your contacts?</p> <p>23 A. No.</p> <p>24 MR. BEAUMONT: Objection, form.</p>
<p style="text-align: right;">Page 151</p> <p>1 A. Yes.</p> <p>2 Q. What e-mail address did you provide to</p> <p>3 LinkedIn?</p> <p>4 A. Stephanie.lukis@gmail.com.</p> <p>5 Q. What else did you provide to LinkedIn?</p> <p>6 A. Nothing.</p> <p>7 Q. Did you provide your name to LinkedIn?</p> <p>8 A. Yes.</p> <p>9 Q. Did you provide any other e-mail addresses to</p> <p>10 LinkedIn?</p> <p>11 A. No.</p> <p>12 Q. Did you provide any telephone numbers to</p> <p>13 LinkedIn?</p> <p>14 A. Just --</p> <p>15 MR. BEAUMONT: Objection, form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. My phone number's not listed on LinkedIn.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. But did you provide a telephone number to</p> <p>20 LinkedIn?</p> <p>21 A. No.</p> <p>22 Q. Did you provide a physical address to</p> <p>23 LinkedIn?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 153</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Have you linked LinkedIn with any e-mail</p> <p>3 accounts?</p> <p>4 A. As in? What do you mean?</p> <p>5 Q. Providing LinkedIn the ability to access your</p> <p>6 e-mail accounts.</p> <p>7 A. No.</p> <p>8 Q. Where are your contacts stored?</p> <p>9 A. For --</p> <p>10 MR. BEAUMONT: Objection to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. -- e-mail? General contacts or LinkedIn</p> <p>13 contacts?</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Where are your general contacts stored?</p> <p>16 A. Gmail.</p> <p>17 Q. Where are your LinkedIn contacts stored?</p> <p>18 A. I have four people that I talk to on LinkedIn</p> <p>19 that are in my LinkedIn profile.</p> <p>20 Q. So you're connected to only four people on</p> <p>21 LinkedIn; is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. Who are they?</p> <p>24 A. I don't see that that's relevant, and I'd</p>

<p style="text-align: right;">Page 154</p> <p>1 have to go log into LinkedIn to figure it out. I think  2 it's my --  3 Q. I see you're on a computer. Can you do that?  4 A. I think -- I don't see how it's relevant  5 but --  6 MR. BEAUMONT: So we're not -- if -- that's a  7 document production request, and she has produced her  8 LinkedIn documents, and she's not going to be logging  9 into the accounts at this time.  10 MR. KIMREY: Her computer is a document that  11 she's brought to this deposition. She's performing the  12 search on video right now. It's clear that she can pull  13 this information. I asked who her connections are in  14 LinkedIn. She says she has four, and she's now providing  15 their names.  16 BY THE WITNESS:  17 A. My husband and three friends.  18 BY MR. KIMREY:  19 Q. Who are the friends?  20 A. I'm not going to give you my friends' names.  21 It's none of your business.  22 Q. That's not a basis not to answer, Ms. Lukis.  23 A. There's -- I have no reason to tell you  24 people who I'm connected to on LinkedIn other than my</p>	<p style="text-align: right;">Page 156</p> <p>1 possession in this deposition, and Ms. Lukis already  2 produced some part of her LinkedIn account to us, and  3 oftentimes connections on LinkedIn are public anyway. I  4 just ask --  5 BY THE WITNESS:  6 A. My settings on my LinkedIn account,  7 everything is private, so no, my -- if you look on the  8 information, that -- Exhibit 6, all it lists is that I  9 have four connections. It does not list their names. If  10 LinkedIn didn't provide you their names, I don't think I  11 should be required to either.  12 BY MR. KIMREY:  13 Q. But I think you may already done so.  14 A. I'm looking at the document that --  15 BY MR. KIMREY:  16 Q. Do you know what you gave us?  17 A. Exhibit --  18 MR. BEAUMONT: I think it's -- I think we need  19 to take a break and I'll -- we'll talk to Ms. Lukis and  20 we'll be right back.  21 MR. KIMREY: Okay.  22 THE VIDEOGRAPHER: Going off the video record  23 at 1:58 p.m.  24</p>
<p style="text-align: right;">Page 155</p> <p>1 husband. It's not relevant to who I talk to on LinkedIn.  2 Q. You can't refuse to answer based on relevance  3 in a deposition, Ms. Lukis.  4 And, by the way, you may have produced your  5 entire LinkedIn account to us already. I just don't know  6 because we haven't had time to review materials because  7 your counsel produced it way, way, way after we  8 propounded our discovery. So I don't think you have a  9 basis to claim that it's private because I think he may  10 have already given it to us.  11 So who are the friends?  12 A. I'm trying to find it.  13 MR. BEAUMONT: Objection. I object to Ms.  14 Lukis performing any kind of examination into -- a  15 forensic examination on -- using her computer. It's  16 inappropriate, and I don't think that that is  17 appropriate. If she recalls, she can provide that  18 information. She has provided her LinkedIn data  19 download, so I don't think that -- that she needs to be  20 producing -- she needs to be performing any type of  21 search right now. She can say what she has in her  22 memory, and that's the extent of this examination.  23 MR. KIMREY: That's not a rule, Mr. Beaumont,  24 and she has this information available to her in her</p>	<p style="text-align: right;">Page 157</p> <p>1 (WHEREUPON, a break was  2 taken.)  3 We are back on record at 2:10 p.m.  4 You may proceed.  5 BY MR. KIMREY:  6 Q. Ms. Lukis, who are your connections on  7 LinkedIn?  8 A. A guy named Sam whose last name I don't  9 remember, Chris Minchella and one other. The only reason  10 I know I have three friends on LinkedIn is because it  11 says that there are four connections, one of which is my  12 husband, and then three friends. So I know there's a guy  13 named Sam. I know there is a guy named Chris Minchella.  14 I don't know who the fourth is, and I'm not going to --  15 Q. Is it Samuel Dietzmann?  16 A. Yeah.  17 Q. And is he with Envoy Global something?  18 A. I don't know who he works for.  19 Q. How do you know Samuel Dietzmann?  20 A. He's a friend I met through a social club.  21 Q. What social club?  22 A. Jeeze. I think Minds Eye Society, I think.  23 Q. What is Minds Eye Society?  24 A. A LARP group.</p>

<p style="text-align: right;">Page 158</p> <p>1 Q. What?</p> <p>2 A. Live action role playing.</p> <p>3 Q. How do members of Minds Eye Society live</p> <p>4 action role play?</p> <p>5 A. What do you mean?</p> <p>6 MR. BEAUMONT: Objection, form. I really</p> <p>7 don't understand the relevance but I guess --</p> <p>8 BY THE WITNESS:</p> <p>9 A. How does a social club that I was in years</p> <p>10 ago matter? I'm confused as to the purpose of the</p> <p>11 question.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. I don't need to give you the purpose. You</p> <p>14 just need to answer the question unless your counsel</p> <p>15 tells you not to.</p> <p>16 A. Then can you clarify the question because I</p> <p>17 don't understand what you're asking me?</p> <p>18 Q. I'm asking how members of Minds Eye Society</p> <p>19 live action role play.</p> <p>20 A. We --</p> <p>21 MR. BEAUMONT: Objection, form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. -- used to. Back when I actually</p> <p>24 participated in it, we used to meet up at like colleges</p>	<p style="text-align: right;">Page 160</p> <p>1 MR. BEAUMONT: This is harassment.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. How do you play Vampire of the Masquerade?</p> <p>4 A. I already told you. You make a character.</p> <p>5 You interact with people. And I don't see how that has</p> <p>6 anything to do with the lawsuit with Whitepages.com, what</p> <p>7 I do with my social -- my social free time.</p> <p>8 Q. That's improper testimony from you, Ms.</p> <p>9 Lukis. I don't have to explain the basis for my</p> <p>10 questions, but here this one time I will.</p> <p>11 You've taken issue with sharing of</p> <p>12 information about you. You've taken issue with use of</p> <p>13 information about you. You've taken the position that</p> <p>14 everything about you including astonishingly your name is</p> <p>15 private. You have placed at issue in this case every</p> <p>16 single way in which you share information about yourself</p> <p>17 including but not limited to LinkedIn. And what you did</p> <p>18 with Samuel Dietzmann with live role play and vampires</p> <p>19 ties into information you shared with others about</p> <p>20 yourself including the fact that you like to dress up and</p> <p>21 pretend to be a vampire and that ties in -- in front of</p> <p>22 other people at colleges, and that ties into what is a</p> <p>23 reasonable expectation of privacy and what is not.</p> <p>24 MR. BEAUMONT: First of all --</p>
<p style="text-align: right;">Page 159</p> <p>1 and just hang out.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. How is that live action role played?</p> <p>4 A. We pretended to be vampires.</p> <p>5 MR. BEAUMONT: Objection, form.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. I'm sorry. I missed that. You what?</p> <p>8 A. We pretended to be vampires. We played a</p> <p>9 game called Vampire of the Masquerade. It's a boring</p> <p>10 game, and I haven't played it in years.</p> <p>11 Q. What is Vampire of the Masquerade?</p> <p>12 MR. BEAUMONT: Objection, form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. A live action role playing game.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. How do you play the game?</p> <p>17 MR. BEAUMONT: Objection. This is -- this is</p> <p>18 being harassing. I don't understand any -- if this has</p> <p>19 some relevance, then I would ask that you explain it.</p> <p>20 Otherwise, this is just purely -- this is purely</p> <p>21 harassment, and this is not appropriate for -- for this</p> <p>22 deposition.</p> <p>23 MR. KIMREY: You're wrong. That's a speaking</p> <p>24 objection. It's inappropriate. It's sanctionable.</p>	<p style="text-align: right;">Page 161</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. You put this out there on your LinkedIn</p> <p>3 account. You produced to me Samuel Dietzmann's name.</p> <p>4 You've now told me in this deposition that you belong to</p> <p>5 a club with him called the Minds Eye Society involving</p> <p>6 live action role play and the game Vampire of the</p> <p>7 Masquerade which involves you going to colleges with</p> <p>8 other people, and you are pretending to be a vampire, and</p> <p>9 I think that is directly relevant to whether you're an</p> <p>10 adequate class representative here or not. Do you</p> <p>11 understand?</p> <p>12 MR. BEAUMONT: Blaine, please lower your</p> <p>13 voice. That is totally inappropriate. Ms. Lukis and</p> <p>14 this lawsuit is concerning her identity and her</p> <p>15 IDENTITY -- how one plays a LARP or any other game has</p> <p>16 absolutely nothing to do with her identity and</p> <p>17 Whitepages' use of her identity, and your questioning</p> <p>18 down this line is totally inappropriate, totally off</p> <p>19 base --</p> <p>20 MR. KIMREY: You're wrong. Are you</p> <p>21 instructing her not to answer?</p> <p>22 MR. BEAUMONT: What's the question?</p> <p>23 MR. KIMREY: You're entitled to make an</p> <p>24 objection based on form and that's it, and that's not</p>

<p style="text-align: right;">Page 162</p> <p>1 what you're doing. You're prolonging this deposition  2 unnecessarily. Your objections are all ill-founded. You  3 actually haven't articulated a single valid objection as  4 to form in this deposition.  5 Are you instructing her not to answer or  6 not?  7 MR. BEAUMONT: What is the question?  8 MR. KIMREY: Read back my question. Well,  9 scratch that.  10 BY MR. KIMREY:  11 Q. How did you engage in Vampire of the  12 Masquerade? When? Where? Who? Why? How and with  13 whom?  14 MR. BEAUMONT: Objection. This is harassment.  15 I instruct her not to answer.  16 BY MR. KIMREY:  17 Q. Are you going to follow your counsel's  18 instruction not to answer?  19 A. Yes.  20 Q. It's completely inappropriate.  21 A. Your line of questioning about my personal  22 activities five years ago is a little bit inappropriate  23 too.  24 Q. What kind of information did you have to</p>	<p style="text-align: right;">Page 164</p> <p>1 Blaine. This is -- this has nothing to do with this  2 case, and I ask you to say why that has something to do  3 with this case and because --  4 MR. KIMREY: I already articulated it, and  5 you're wasting our time.  6 MR. BEAUMONT: I'm not.  7 BY MR. KIMREY:  8 Q. How many colleges did you go to dressed as a  9 vampire?  10 MR. BEAUMONT: Ms. Lukis has a right not to be  11 harassed.  12 MR. KIMREY: I'm not harassing her.  13 MR. BEAUMONT: And that is a harassing  14 question. I instruct her not to answer.  15 MR. KIMREY: It's not harassing.  16 BY MR. KIMREY:  17 Q. Are you following your counsel's instruction  18 not to answer?  19 A. Yes, I am because I view it as harassment.  20 You asking about my private life, and personal life is  21 not relevant to this lawsuit.  22 Q. You placed it at issue in this case, Ms.  23 Lukis, by signing up to be a class rep. And the activity  24 you've engaged in and your conception of what's private</p>
<p style="text-align: right;">Page 163</p> <p>1 share to become a member of the Minds Eye Society?  2 A. My name.  3 Q. Anything else?  4 A. Nope.  5 Q. When did you become a member of the Minds Eye  6 Society?  7 A. I don't know.  8 Q. Roughly?  9 A. I have no idea. I haven't interacted with  10 that group in five years. I don't remember when I  11 started. I know when I quit. That's it.  12 Q. When did you quit?  13 A. Yes. I quit five years ago.  14 Q. Why did you quit?  15 A. Because I had a child.  16 MR. BEAUMONT: Objection.  17 BY MR. KIMREY:  18 Q. What did you say?  19 A. Because I had a child, and I was no longer  20 interested in participating.  21 Q. How many colleges did you go to pretending to  22 be a vampire?  23 A. I have no idea.  24 MR. BEAUMONT: Objection. This is harassment,</p>	<p style="text-align: right;">Page 165</p> <p>1 and public ties directly into what you say you're suing  2 for in this case.  3 So, again, did you go to one college  4 pretending to be a vampire?  5 MR. BEAUMONT: Objection. That is -- that is  6 harassment, and I instruct her not to answer. This is --  7 that has nothing to do with the use of her identity or  8 Whitepages' lack of consent to -- or using her identity  9 in its advertisements, and Ms. Lukis has a right not to  10 be harassed, and I instruct her not to answer.  11 BY MR. KIMREY:  12 Q. Are you going to follow your counsel's advice  13 not to answer?  14 A. Absolutely.  15 Q. How many members did the Minds Eye Society  16 have while you were a member?  17 A. I don't know.  18 Q. Can you estimate?  19 A. Nope.  20 Q. How did you join?  21 A. I don't remember.  22 Q. Was there some kind of ritual to join?  23 MR. BEAUMONT: Objection. That is -- this is  24 harassment, Blaine. There is no -- there is no relevant</p>

<p style="text-align: right;">Page 166</p> <p>1 basis for that question.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. You could answer.</p> <p>4 MR. BEAUMONT: No. No. I -- she should not</p> <p>5 answer. She cannot answer. That is -- I instruct her</p> <p>6 not to answer that question. This is harassment on -- of</p> <p>7 her.</p> <p>8 MR. KIMREY: No, it's not, and your</p> <p>9 instruction is improper.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Are you going to follow your counsel's</p> <p>12 instruction?</p> <p>13 A. Yes, I am.</p> <p>14 Q. Do you refuse to answer any further questions</p> <p>15 related to Samuel Dietzmann --</p> <p>16 A. I refuse to answer questions about --</p> <p>17 Q. -- live action role play --</p> <p>18 A. I refuse to answer any questions about the</p> <p>19 Minds Eye Society, Vampire of the Masquerade, LARP or my</p> <p>20 connection to Samuel Dietzmann from that from at least</p> <p>21 five years ago.</p> <p>22 Q. Okay. Who is Mark Owens?</p> <p>23 A. An old roommate.</p> <p>24 Q. Where did you live with him?</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. What do you do for fun?</p> <p>2 A. Read, watch TV, go to the gym.</p> <p>3 Q. Are you a member of any professional</p> <p>4 societies?</p> <p>5 A. Nope.</p> <p>6 Q. Have you ever been a member of any</p> <p>7 professional societies?</p> <p>8 A. Nope.</p> <p>9 Q. Have you -- beyond pretending to be a vampire</p> <p>10 have you engaged in any other role play activities?</p> <p>11 A. Nope.</p> <p>12 MR. BEAUMONT: Objection. This is harassment.</p> <p>13 MR. KIMREY: She already answered.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. All right. Let's move onto Exhibit 7 which</p> <p>16 is 1, sub 7. Ms. Lukis, this is a Twitter account that</p> <p>17 we located. Is your Twitter handle @smlukis?</p> <p>18 A. I don't know. I don't have a -- haven't</p> <p>19 logged into Twitter in -- other than to try and download</p> <p>20 a copy of it in months.</p> <p>21 Q. But you logged onto it within the past three</p> <p>22 days; correct?</p> <p>23 A. Yeah, to try and download a copy of it, but I</p> <p>24 haven't gotten it, and I didn't look at what my user name</p>
<p style="text-align: right;">Page 167</p> <p>1 A. Reston, Virginia.</p> <p>2 Q. Is he at Spark Soft?</p> <p>3 A. I have no idea.</p> <p>4 Q. Is he one of your connections on LinkedIn?</p> <p>5 A. It's probably number three. I couldn't</p> <p>6 remember who the third one was.</p> <p>7 Q. Have you ever worked at Spark Soft?</p> <p>8 A. Nope.</p> <p>9 Q. Who is Christopher Minchella?</p> <p>10 A. A friend of mine.</p> <p>11 Q. Does he work at Micor -- and this may be</p> <p>12 truncated but it says Anal Managing?</p> <p>13 A. It's supposed to be Micor Analytics.</p> <p>14 Q. Does he work at Micor Analytics?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever worked there?</p> <p>17 A. No.</p> <p>18 Q. How do you know Christopher?</p> <p>19 A. He's a friend.</p> <p>20 Q. How did you meet him?</p> <p>21 A. I think we met at -- I don't remember. Known</p> <p>22 him for almost 15 years.</p> <p>23 Q. Have you been a member of any other clubs?</p> <p>24 A. Nope.</p>	<p style="text-align: right;">Page 169</p> <p>1 is.</p> <p>2 Q. Okay. Could you log in now and confirm that</p> <p>3 your user name is @smlukis?</p> <p>4 A. No. I'm not going to log into my Twitter</p> <p>5 account, no.</p> <p>6 Q. So you're refusing to log into your Twitter</p> <p>7 account on the computer that's sitting in front of you to</p> <p>8 confirm that your handle is @smlukis; is that correct?</p> <p>9 MR. BEAUMONT: Blaine, the -- I would like to</p> <p>10 jump in here. Counsel, there is -- this is not -- this</p> <p>11 is a deposition, an oral deposition of Ms. Lukis and</p> <p>12 the -- this is not an inspection of her Twitter account.</p> <p>13 We had no idea that you were going to be requesting to --</p> <p>14 that Ms. Lukis go onto her Twitter account or access her</p> <p>15 Twitter account prior to this deposition, and it is</p> <p>16 inappropriate for you to now do that.</p> <p>17 MR. KIMREY: That's incorrect. We actually</p> <p>18 asked her to pull her entire Twitter account to provide</p> <p>19 to me in anticipation of this deposition, so this comes</p> <p>20 to you as no surprise at all, and your behavior in this</p> <p>21 deposition is inappropriate and frankly sanctionable.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Ms. Lukis, is it possible that @smlukis is</p> <p>24 your Twitter handle?</p>

<p style="text-align: right;">Page 170</p> <p>1 A. Probably.</p> <p>2 Q. And -- okay. Let's -- let's flip the page to</p> <p>3 Page 2. So this provides a little bit more information</p> <p>4 about this account. And it says Stephanie Lukis at the</p> <p>5 top three tweets. Do you see that?</p> <p>6 A. Yeah.</p> <p>7 Q. Stephanielukis@smlukis joined July 2010.</p> <p>8 Does that roughly correlate with when you joined?</p> <p>9 A. I have no idea.</p> <p>10 Q. Is it possible that you joined --</p> <p>11 A. I guess it's true.</p> <p>12 Q. Is it possible that you joined in July of</p> <p>13 2010?</p> <p>14 A. That's what it says, so I guess so.</p> <p>15 Q. Is this your Twitter account?</p> <p>16 A. I think so, yeah.</p> <p>17 Q. And is that based on the tweet which says:</p> <p>18 "You could win a freakin' house from Trulia. Remember,</p> <p>19 prize is awarded in form of \$350,000 check." Did you</p> <p>20 tweet that?</p> <p>21 A. Yeah, probably.</p> <p>22 Q. So is this your Twitter account?</p> <p>23 A. Looks like it, yeah.</p> <p>24 MR. BEAUMONT: Objection, form.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Okay. So you don't see it as a violation of</p> <p>2 the Illinois Right of Publicity Act?</p> <p>3 A. I haven't read the Illinois Right of</p> <p>4 Publicity Act, so I wouldn't know. I'd have to talk --</p> <p>5 I'd have to ask my attorney what that is.</p> <p>6 Q. Okay. Let's flip to the next page. This is</p> <p>7 the Twitter home page. Do you see how there are links in</p> <p>8 the middle to the terms of service in the privacy policy?</p> <p>9 A. Yes.</p> <p>10 Q. In signing up for Twitter did you agree to</p> <p>11 the terms of service in the privacy policy?</p> <p>12 A. Yes.</p> <p>13 Q. In using Twitter did you agree to the terms</p> <p>14 of service in the privacy policy?</p> <p>15 MR. BEAUMONT: Objection, form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Yes.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Okay. Page 4, this is the beginning of the</p> <p>20 Twitter User Agreement. Have you ever read the Twitter</p> <p>21 User Agreement?</p> <p>22 MR. BEAUMONT: Objection, form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Probably not.</p>
<p style="text-align: right;">Page 171</p> <p>1</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Do you see how on the right-hand side there's</p> <p>4 a What's Happening column?</p> <p>5 A. Yeah.</p> <p>6 Q. Do you see among the things listed is NCAA</p> <p>7 Football live?</p> <p>8 A. Yeah.</p> <p>9 Q. Demon Deacons at Badgers?</p> <p>10 A. Yes.</p> <p>11 Q. Do you view that ad to be using your identity</p> <p>12 without your permission?</p> <p>13 MR. BEAUMONT: Objection, form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't see how that ad has anything to do</p> <p>16 with me or my Twitter account other than it's just</p> <p>17 talking about NCAA Football.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Okay. So you don't view placement of that ad</p> <p>20 for NCAA Football as unauthorized use of your identity in</p> <p>21 violation of the Illinois Right of Publicity Act?</p> <p>22 A. It's not using my identity at all. It is an</p> <p>23 ad pushed to me not using my identity to talk to NCAA</p> <p>24 Football.</p>	<p style="text-align: right;">Page 173</p> <p>1</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. But in using Twitter you would agree to it;</p> <p>4 correct?</p> <p>5 A. You have to in order to sign up for it.</p> <p>6 Q. Let's go to Page 7. Do you see 2, "Privacy,"</p> <p>7 at the top, Ms. Lukis?</p> <p>8 A. Yes.</p> <p>9 Q. And it says: "Our privacy policy describes</p> <p>10 how we handle the information you provide to us when you</p> <p>11 use our services. You understand that through your use</p> <p>12 of the services you consent to the collection and use as</p> <p>13 set forth in the privacy policy of this information,</p> <p>14 including the transfer of this information to the United</p> <p>15 States, Ireland and/or other countries for storage,</p> <p>16 processing and use by Twitter and its affiliates." Did I</p> <p>17 read that accurately?</p> <p>18 A. Yes.</p> <p>19 Q. In using Twitter did you agree to that term?</p> <p>20 A. Yes.</p> <p>21 Q. Then under 3, second sentence, first</p> <p>22 paragraph it says: "You should only provide content that</p> <p>23 you are comfortable sharing with others." Did I read</p> <p>24 that accurately?</p>



<p style="text-align: right;">Page 174</p> <p>1 A. Yes.</p> <p>2 Q. In using Twitter did you agree to that term?</p> <p>3 A. Yes.</p> <p>4 MR. BEAUMONT: Objection, form.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Page 8, at the bottom: "By submitting," last</p> <p>7 paragraph break it says: "By submitting, posting or</p> <p>8 displaying content on or through the services, you grant</p> <p>9 us a worldwide non-exclusive royalty-free license with</p> <p>10 the right to sublicense to use, copy, reproduce, process,</p> <p>11 adapt, modify, publish, transmit, display and distribute</p> <p>12 such content in any and all media or distribution methods</p> <p>13 now known or later developed. For clarity, these rights</p> <p>14 include, for example, curating, transforming and</p> <p>15 translating. This license authorizes us to make your</p> <p>16 content available to the rest of the world and to let</p> <p>17 others do the same. You agree that this license includes</p> <p>18 the right for Twitter to provide, promote and improve the</p> <p>19 services and to make content submitted to or through the</p> <p>20 services available to other companies, organizations and</p> <p>21 individuals for the syndication, broadcast, distribution,</p> <p>22 re-tweet, promotion or publication of such content on</p> <p>23 other media and services, subject to our terms and</p> <p>24 conditions for such content use. Such additional uses by</p>	<p style="text-align: right;">Page 176</p> <p>1</p> <p>2 BY THE WITNESS:</p> <p>3 A. Yes.</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Have you had only one Twitter account since</p> <p>6 the beginning of your life?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Let's turn to Page 15. Actually,</p> <p>9 let's turn to Page 22. So this is the Twitter Privacy</p> <p>10 Policy. You see that at the top of the page, Ms. Lukis?</p> <p>11 A. Yes.</p> <p>12 Q. On Page 23, third bullet point it says: "We</p> <p>13 give you control through your settings to limit the data</p> <p>14 we collect from you and how we use it and to control</p> <p>15 things like account security, marketing preferences, apps</p> <p>16 that can access your account and address book contacts</p> <p>17 you've uploaded to Twitter. You can also download</p> <p>18 information you have shared on Twitter." Did I read that</p> <p>19 accurately?</p> <p>20 A. Yes.</p> <p>21 Q. By using Twitter did you agree to that term?</p> <p>22 A. Yes.</p> <p>23 MR. BEAUMONT: Objection, form.</p> <p>24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 175</p> <p>1 Twitter or other companies, organizations or individuals</p> <p>2 is made with no compensation paid to you with respect to</p> <p>3 the content that you submit, post, transmit or otherwise</p> <p>4 make available through the services as the use of the</p> <p>5 services by you is hereby agreed as being sufficient</p> <p>6 compensation for the content and grants of rights</p> <p>7 herein." Did I read that accurately?</p> <p>8 A. Yes.</p> <p>9 Q. By using Twitter did you agree to those</p> <p>10 terms?</p> <p>11 A. Yes.</p> <p>12 MR. BEAUMONT: Objection, form.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Page 9, last paragraph break, first sentence</p> <p>15 it says: "In consideration for Twitter granting you</p> <p>16 access to and use of the services, you agree that Twitter</p> <p>17 and its third-party providers and partners may place</p> <p>18 advertising on the services or in connection with the</p> <p>19 display of content or information from the services</p> <p>20 whether submitted by you or others." Did I read that</p> <p>21 accurately?</p> <p>22 A. Yes.</p> <p>23 Q. By using Twitter did you agree to that term?</p> <p>24 MR. BEAUMONT: Objection, form.</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. What was the answer?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever visited settings on Twitter?</p> <p>4 A. Yes.</p> <p>5 Q. When did you visit settings on Twitter?</p> <p>6 A. When I created my account.</p> <p>7 Q. Is that the only time you've visited settings</p> <p>8 on Twitter?</p> <p>9 A. As far as I'm aware.</p> <p>10 Q. And it was awhile ago. It was 2010, but to</p> <p>11 the extent you can recall, how did you set those</p> <p>12 settings?</p> <p>13 A. I thought I had set everything to private,</p> <p>14 but since you were able to search my profile, apparently</p> <p>15 not. Looks like I need to go in and fix it after this.</p> <p>16 Q. Let's go to 25. At 1.2 at the top it says:</p> <p>17 "Most activity on Twitter is public including your</p> <p>18 profile information, your time zone and language, when</p> <p>19 you created your account and your tweets and certain</p> <p>20 information about your tweets like the date, time and</p> <p>21 application and version of Twitter you tweeted from."</p> <p>22 Did I read that accurately?</p> <p>23 A. Yes.</p> <p>24 Q. Did you agree to that term in using Twitter?</p>



<p style="text-align: right;">Page 178</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Last paragraph break on that page it</p> <p>3 says: "By publicly posting content when you tweet, you</p> <p>4 are directing us to disclose that information as broadly</p> <p>5 as possible including through APIs, in directing those</p> <p>6 accessing the information through our APIs to do the</p> <p>7 same. To facilitate the fast global dissemination of</p> <p>8 tweets to people around the world we use technology like</p> <p>9 application programming interfaces, APIs, and embeds to</p> <p>10 make the information available to websites and others for</p> <p>11 their use, for example, displaying tweets on a news</p> <p>12 website or analyzing what people say on Twitter. We</p> <p>13 generally make this content available in limited</p> <p>14 quantities for free and charge licensing fees for</p> <p>15 large-scale access. We have standard terms that govern</p> <p>16 how this data can be used and a compliance program to</p> <p>17 enforce these terms, but these individuals and companies</p> <p>18 are not affiliated with Twitter and their offerings may</p> <p>19 not reflect updates you make on Twitter." Did I read</p> <p>20 that accurately?</p> <p>21 A. Yes.</p> <p>22 Q. In using Twitter did you agree to those</p> <p>23 terms?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 180</p> <p>1 associating your account with hashes of e-mail addresses</p> <p>2 that share common components with the e-mail address you</p> <p>3 have provided to Twitter. We do this to operate and</p> <p>4 personalize our services. For example, if you visit</p> <p>5 websites with sports content on your laptop, we may show</p> <p>6 you sports-related ads on Twitter for Android, and if the</p> <p>7 e-mail address associated with your account shares</p> <p>8 components with another e-mail address such as shared</p> <p>9 first name, last name or initials, we may later match</p> <p>10 advertisements to you from advertisers that we're trying</p> <p>11 to reach e-mail addresses containing those components."</p> <p>12 Did I read that accurately?</p> <p>13 A. Yes.</p> <p>14 Q. By using Twitter did you agree to those</p> <p>15 terms?</p> <p>16 A. Yes.</p> <p>17 Q. Page 33, 3.1, first sentence: "We share."</p> <p>18 "We share or disclose your personal data with your</p> <p>19 consent or at your direction, such as when you authorize</p> <p>20 a third party web client or application to access your</p> <p>21 account or when you direct us to share your feedback with</p> <p>22 a business." Did I read that accurately?</p> <p>23 A. Yes.</p> <p>24 Q. Did you agree to that term by using Twitter?</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. Page 30 at 2.6 it says -- starting at the</p> <p>2 middle of the page with: "Our ad partners." "Our ad</p> <p>3 partners and affiliates share information with us such as</p> <p>4 browser, cookie IDs, mobile device IDs, hashed e-mail</p> <p>5 addresses, demographic you're interested in, how to view</p> <p>6 or actions taken on a website or app. Some of our ad</p> <p>7 partners, particularly our advertisers, also enable us to</p> <p>8 collect similar information directly from their website</p> <p>9 or app by integrating our advertising technology.</p> <p>10 Information shared by our ad partners and affiliates are</p> <p>11 collected by Twitter from the websites and apps but ad</p> <p>12 partners and affiliates may be combined. The other</p> <p>13 information you share with Twitter and that Twitter</p> <p>14 receives of value described elsewhere in our privacy</p> <p>15 policy." Did I read that accurately?</p> <p>16 A. Yes.</p> <p>17 Q. Did you agree to that in using Twitter?</p> <p>18 A. Yes.</p> <p>19 MR. BEAUMONT: Objection, form.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Page 31, 2.9, last paragraph, middle of the</p> <p>22 paragraph starting with: "Subject to." "Subject to your</p> <p>23 settings, we also use this information in order to infer</p> <p>24 other information about your identity, for example, by</p>	<p style="text-align: right;">Page 181</p> <p>1 A. Yes.</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. 34, 3.2, second sentence from the top: "For</p> <p>5 example, we use a variety of third-party services to help</p> <p>6 operate our services such as hosting our various blogs</p> <p>7 and wikis and to help us understand the use of our</p> <p>8 services such as Google Analytics. We may share your</p> <p>9 private, personal data with such service providers</p> <p>10 subject to obligations consistent with this privacy</p> <p>11 policy and any other appropriate confidentiality and</p> <p>12 security measures and on the condition that the third</p> <p>13 parties use your private personal data only on our behalf</p> <p>14 and pursuant to our instructions. Service providers may</p> <p>15 use other non-personal data for their benefit." Did I</p> <p>16 read that accurately?</p> <p>17 A. Yes.</p> <p>18 Q. Did you agree to those terms by using</p> <p>19 Twitter?</p> <p>20 A. Yes.</p> <p>21 Q. 36. Do you see at 4.1 it says: "Accessing</p> <p>22 or rectifying your personal data"?</p> <p>23 A. Yes.</p> <p>24 Q. And then at 4.2 it refers to Deletion?</p>

<p style="text-align: right;">Page 182</p> <p>1 A. Yes.</p> <p>2 Q. Other than initially setting your privacy</p> <p>3 settings when you signed up for Twitter have you reached</p> <p>4 out to Twitter to rectify any errors to your personal</p> <p>5 data or delete any of your personal data?</p> <p>6 A. No.</p> <p>7 Q. Do you plan to do so now?</p> <p>8 A. Yeah.</p> <p>9 Q. Why?</p> <p>10 A. Because I don't like having -- everybody</p> <p>11 having access to my information. Probably just going to</p> <p>12 delete my Twitter account since I have -- I've only</p> <p>13 posted three times in ten years.</p> <p>14 Q. Do you also intend to now delete your</p> <p>15 LinkedIn account?</p> <p>16 A. No. I'm just going to --</p> <p>17 Q. Why not?</p> <p>18 A. -- secure the privacy. Because the privacy</p> <p>19 settings are set that only people who I know can actually</p> <p>20 see it, and I also never post on there.</p> <p>21 Q. But I could see your account.</p> <p>22 A. Then I am going to fix the privacy settings</p> <p>23 so nobody can see it.</p> <p>24 Q. Okay. Let's go to folder 1/8 being entered</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. Did you post that picture yourself?</p> <p>2 A. Yes.</p> <p>3 Q. When did you post the picture?</p> <p>4 A. I don't remember. Sometime in the past year.</p> <p>5 Q. Is that picture publicly available?</p> <p>6 A. Yeah, if you guys got it.</p> <p>7 MR. BEAUMONT: Object to -- object to the form</p> <p>8 of the question. I'm asking for a point of clarification</p> <p>9 what publicly available means but --</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. You understand what I mean when I say</p> <p>12 publicly available, Ms. Lukis?</p> <p>13 A. Yes, whether or not it's -- my name is</p> <p>14 searchable.</p> <p>15 Q. Okay. So you said that you signed up for</p> <p>16 Facebook within the past year. Did you not have a</p> <p>17 Facebook account before then?</p> <p>18 A. No. I said I changed the picture in the past</p> <p>19 year. I don't remember when I signed up for Facebook.</p> <p>20 Q. Oh, roughly when did you sign up?</p> <p>21 A. I -- I don't remember. Sometime in the past</p> <p>22 15 years.</p> <p>23 Q. Okay. When you signed up, did you work on</p> <p>24 your privacy settings?</p>
<p style="text-align: right;">Page 183</p> <p>1 as Exhibit 8. Ms. Lukis, this is information we pulled</p> <p>2 from Facebook. Do you have a Facebook account?</p> <p>3 A. Yes.</p> <p>4 Q. We think we've identified your Facebook</p> <p>5 account, but we'd like for you to confirm it for us.</p> <p>6 Do you see Stephanie Lukis at the second</p> <p>7 entry from the top?</p> <p>8 A. Yes.</p> <p>9 Q. I can see you, and I can see that photo.</p> <p>10 They appear to be the same person. Are they?</p> <p>11 A. Yes.</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Okay. So the Stephanie Lukis lives in</p> <p>15 Chicago, Illinois, that's the second from the top, that</p> <p>16 is your Facebook account; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Is that your only Facebook account?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever had another Facebook account?</p> <p>21 A. Nope.</p> <p>22 Q. Let's go to Page 3. The picture on Page 3 of</p> <p>23 Exhibit 8 is of you; correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 185</p> <p>1 A. Yes.</p> <p>2 Q. Since you signed up have you altered your</p> <p>3 privacy settings?</p> <p>4 A. Yes.</p> <p>5 Q. When?</p> <p>6 A. September of 2018.</p> <p>7 Q. Why did you do that?</p> <p>8 A. Because I was trying to get away from my</p> <p>9 stalker/abusive mother, and I didn't want her to have</p> <p>10 access to my phone number anymore because I changed it.</p> <p>11 Q. Was your phone number before then available</p> <p>12 on Facebook?</p> <p>13 A. I think so. I changed all of my privacy</p> <p>14 settings to make everything completely un -- as</p> <p>15 restricted as possible.</p> <p>16 Q. Before September of 2018 was your Facebook</p> <p>17 account available to the public?</p> <p>18 A. No.</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. So before September of 2018 you had invoked</p> <p>22 some privacy settings and then in September of 2018 you</p> <p>23 increased the privacy settings; is that right?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 186</p> <p>1 Q. Other than when you signed up in September of 2 2018 have you ever changed your privacy settings on 3 Facebook? 4 A. That was the last time I changed my privacy 5 settings. 6 Q. So during your whole -- during the whole life 7 span of your account on Facebook, you've manipulated your 8 privacy settings twice; is that right? 9 MR. BEAUMONT: Object to form. 10 BY THE WITNESS: 11 A. Yes. 12 BY MR. KIMREY: 13 Q. Page 5. This is the home page, Ms. Lukis, 14 for Facebook. You can see, you know, you can enter your 15 e-mail and phone number and your password to log in. Do 16 you see down at the bottom there are a series of words 17 and the -- so in the footer -- go to the footer. In 18 the -- the last word in the second line is "Privacy." Do 19 you see that? 20 A. Yes. 21 Q. And then in the next line the second to the 22 last word is "Terms." Do you see that? 23 A. Yes. 24 Q. Are you aware that Facebook has a privacy</p>	<p style="text-align: right;">Page 188</p> <p>1 Company Products. We use your personal data such as 2 information about your activity and interests to show you 3 ads that are more relevant to you." Did I read that 4 accurately? 5 A. Yes. 6 Q. By using Facebook did you agree to those 7 terms? 8 A. Yes. 9 Q. Page 10. Do you see in the middle number 3: 10 "The permissions you give us"? 11 A. Yes. 12 Q. It says: "We need certain permissions from 13 you to provide our services." Then there's subject 14 matter headings. 1: "Permission to use content you 15 create and share." 2 on the next page: "Permission to 16 use your name, profile, picture and information about 17 your actions with ads and sponsored content," and 3: 18 "Permission to update software to use or download." Did 19 you agree to all of the terms at 1, 2 and 3 by using 20 Facebook? 21 MR. BEAUMONT: Object to form. 22 BY THE WITNESS: 23 A. Yes. 24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 187</p> <p>1 policy? 2 A. Yes. 3 Q. Are you aware that Facebook has terms? 4 A. Yes. 5 Q. How are you aware that Facebook has a privacy 6 policy? 7 A. Because I -- it comes up when you change your 8 privacy settings. 9 Q. Okay. Any other reason? 10 A. No. 11 Q. How are you aware that Facebook has terms? 12 A. Because when you sign up for it, you have to 13 click a button that says terms -- do you accept the terms 14 of service, same with the privacy settings. 15 Q. And did you click the button for both? 16 A. Yes. Can't sign up without doing it. 17 Q. Okay. Go to Page 8. Do you see number 2, 18 "How our services are funded"? 19 A. Yes. 20 Q. First paragraph: "Instead of paying to use 21 Facebook and the other products and services we offer, by 22 using the Facebook products covered by these terms, you 23 agree that we can show you ads that businesses and 24 organizations pay us to promote on and off the Facebook</p>	<p style="text-align: right;">Page 189</p> <p>1 Q. Page 14. First full paragraph at Number 6 it 2 says these -- well, second sentence. "All of our rights 3 and obligations under these terms are freely assignable 4 by us in connection with a merger, acquisition or sale of 5 assets or by operation of law or otherwise." Do you see 6 that? 7 A. Yes. 8 Q. Did I read that accurately? 9 A. Yes. 10 Q. By using Facebook did you agree to that term? 11 MR. BEAUMONT: Object to form. 12 BY THE WITNESS: 13 A. Yes, but I also agreed to the terms of -- 14 term of the first sentence of that paragraph. 15 BY MR. KIMREY: 16 Q. Which says: "These terms do not confer any 17 third-party beneficiary rights"? 18 A. Yes. 19 Q. But you also agreed to the second sentence; 20 correct? 21 A. Yes. 22 Q. Let's go to 16. This is the Data Policy for 23 Facebook. Can you see it says "Data Policy" at the top 24 of this, Ms. Lukis?</p>

<p style="text-align: right;">Page 190</p> <p>1 A. Yes.</p> <p>2 Q. And it says that: "This policy describes the</p> <p>3 information we process to support Facebook, Instagram,</p> <p>4 Messenger and other products and features offered by</p> <p>5 Facebook." Did I read that accurately?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have an Instagram account?</p> <p>8 A. No.</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Have you ever had an Instagram account?</p> <p>12 A. No.</p> <p>13 Q. Do you use Facebook Messenger?</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I don't know. I don't have it on my phone,</p> <p>17 so --</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Are you aware of ever having used Facebook</p> <p>20 Messenger?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Possibly.</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Let's go to Page 24. Do you see at the</p> <p>2 bottom where the paragraph begins with: "Public</p> <p>3 information," Ms. Lukis?</p> <p>4 A. Yes.</p> <p>5 Q. It says: "Public information can be seen by</p> <p>6 anyone on or off our products including if they don't</p> <p>7 have an account. This includes your Instagram user name,</p> <p>8 any information you share with a public audience,</p> <p>9 information in your public profile on Facebook and</p> <p>10 content you share on a Facebook page, public Instagram</p> <p>11 account or any other public forum such as Facebook</p> <p>12 Marketplace. You, other people using Facebook and</p> <p>13 Instagram, and we can provide access to or send public</p> <p>14 information to anyone on or off our products, including</p> <p>15 other Facebook Company Products, in search results or</p> <p>16 through tools and APIs. Public information can also be</p> <p>17 seen, accessed, reshared and downloaded through</p> <p>18 third-party services such as search engines, APIs and</p> <p>19 off-line media such as TV and by apps, websites and other</p> <p>20 services that integrate with our products." Did I read</p> <p>21 that accurately?</p> <p>22 A. Yes.</p> <p>23 Q. Did you agree to those terms in using</p> <p>24 Facebook?</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. Did you search any messages to or from you</p> <p>2 related to Messenger for anything responsive to our</p> <p>3 discovery in this case?</p> <p>4 A. No.</p> <p>5 Q. Let's go to Page 20. Right before the first</p> <p>6 paragraph ends at the last sentence of that paragraph it</p> <p>7 says: "We also receive information about your on-line</p> <p>8 and off-line actions and purchases from third-party data</p> <p>9 providers who have the rights to provide us with your</p> <p>10 information. Partners receive your data when you visit</p> <p>11 or use their services or through third parties they work</p> <p>12 with. We require each of these partners to have lawful</p> <p>13 rights to collect, use and share your data before</p> <p>14 providing any data to us. Learn more about the types of</p> <p>15 partners we receive data from." Did I read that</p> <p>16 accurately?</p> <p>17 A. Yes.</p> <p>18 Q. Did you agree to that by using Facebook?</p> <p>19 A. Yes.</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Have you ever clicked on that learn more</p> <p>23 link?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 193</p> <p>1 A. Yes.</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Do you use Facebook Marketplace?</p> <p>5 A. No.</p> <p>6 Q. Have you ever used Facebook Marketplace?</p> <p>7 A. No.</p> <p>8 Q. As to Craigslist, do you have only one</p> <p>9 Craigslist account?</p> <p>10 A. Yes.</p> <p>11 Q. Have you always just had one Craigslist</p> <p>12 account?</p> <p>13 A. Yes.</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Did you search your Craigslist account for</p> <p>17 any documents responsive to our discovery in this</p> <p>18 litigation?</p> <p>19 A. No.</p> <p>20 Q. Do you ever use eBay?</p> <p>21 A. I did way back in the day when it was --</p> <p>22 first came out, but I haven't used it in probably years.</p> <p>23 Q. Do you have an eBay account?</p> <p>24 A. I think so.</p>

<p style="text-align: right;">Page 194</p> <p>1 Q. Did you search your eBay account for any</p> <p>2 documents that may be responsive to our discovery in this</p> <p>3 litigation?</p> <p>4 A. No.</p> <p>5 Q. Do you have an Amazon account?</p> <p>6 A. Yes.</p> <p>7 Q. Have you ever had more than one Amazon</p> <p>8 account?</p> <p>9 A. No.</p> <p>10 Q. Have you searched your Amazon account for any</p> <p>11 information responsive to our discovery in this case?</p> <p>12 A. No.</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Do you have a Yelp account?</p> <p>16 A. No.</p> <p>17 Q. Have you ever had a Yelp account?</p> <p>18 A. No, not to my knowledge.</p> <p>19 Q. Do you have a DoorDash account?</p> <p>20 A. No.</p> <p>21 Q. Have you ever had a DoorDash account?</p> <p>22 A. Nope.</p> <p>23 Q. Do you have an Uber account?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. Do you have a GrubHub account?</p> <p>2 A. No.</p> <p>3 Q. Have you ever had a GrubHub account?</p> <p>4 A. No.</p> <p>5 Q. Do you have an Angie's List account?</p> <p>6 A. No.</p> <p>7 Q. Have you ever had an Angie's List account?</p> <p>8 A. No.</p> <p>9 Q. Do you have a MySpace account?</p> <p>10 A. That's ancient. Probably.</p> <p>11 Q. Have you searched your MySpace account for</p> <p>12 any information that might be responsive to our discovery</p> <p>13 in this litigation?</p> <p>14 A. No.</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Do you have an Outlook account?</p> <p>18 A. A what?</p> <p>19 Q. An Outlook, Microsoft Outlook account.</p> <p>20 A. No.</p> <p>21 Q. Have you ever had a Microsoft Outlook</p> <p>22 account?</p> <p>23 A. No. Actually, through -- through an old -- a</p> <p>24 job back in 2005 I think I had an Outlook account.</p>
<p style="text-align: right;">Page 195</p> <p>1 Q. Have you had only one Uber account during</p> <p>2 your entire life?</p> <p>3 A. Yes.</p> <p>4 Q. Have you searched your Uber account for</p> <p>5 documents responsive to our discovery in this litigation?</p> <p>6 A. No.</p> <p>7 Q. Do you have a Lyft account?</p> <p>8 A. No.</p> <p>9 Q. Have you ever had a Lyft account?</p> <p>10 A. No.</p> <p>11 Q. Do you have a Zoom account?</p> <p>12 A. No --</p> <p>13 Q. Have you ever had a --</p> <p>14 A. -- not until I signed up for this.</p> <p>15 Q. Before today had you ever used Zoom?</p> <p>16 A. No.</p> <p>17 Q. Do you have a Skype account?</p> <p>18 A. No, I don't think so.</p> <p>19 Q. Have you ever had a Skype account?</p> <p>20 A. I don't know.</p> <p>21 Q. If you had a Skype account, have you searched</p> <p>22 it for any documents potentially responsive to our</p> <p>23 discovery in this litigation?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. Okay. Beyond that have you had one?</p> <p>2 A. No.</p> <p>3 Q. Any more recently?</p> <p>4 A. No.</p> <p>5 Q. Page 32. At the top it says, Ms. Lukis: "We</p> <p>6 share information globally, both internally within the</p> <p>7 Facebook Companies and externally with our partners and</p> <p>8 with those you connect and share with around the world in</p> <p>9 accordance with this policy." Did I read that</p> <p>10 accurately?</p> <p>11 A. Yes.</p> <p>12 Q. Did you agree to that in using Facebook?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Next exhibit, and this is folder 1,</p> <p>15 sub 9 which will be marked as Exhibit 9.</p> <p>16 MR. TOTH: You have two things in that</p> <p>17 folder. Which one do you want to mark as Exhibit 9? All</p> <p>18 right. You want to make it 9A and 9B?</p> <p>19 MR. KIMREY: Oh, yes, let's do that. So this</p> <p>20 will be -- the PDF is 9A.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Okay. This is a screen capture for uTube</p> <p>23 upload by a Stephanie Lukis. Have you ever used uTube,</p> <p>24 Ms. Lukis?</p>

<p style="text-align: right;">Page 198</p> <p>1 A. Yes.</p> <p>2 Q. Do you have a YouTube account?</p> <p>3 A. Yes.</p> <p>4 Q. Did you search your uTube account for</p> <p>5 information potentially responsive to our discovery in</p> <p>6 this case?</p> <p>7 A. No.</p> <p>8 Q. This appears to -- it's a screen capture.</p> <p>9 I'm going to play the video for you, but it says: "Asked</p> <p>10 for a supervisor at Com Ed," and it says: "Spoke with a</p> <p>11 customer service agent who couldn't help, so I asked to</p> <p>12 speak with a supervisor. Have been on hold for more than</p> <p>13 45 minutes waiting for a human being." Did you post that</p> <p>14 post?</p> <p>15 A. I don't recall.</p> <p>16 Q. Is it possible that you posted this post?</p> <p>17 A. It's possible.</p> <p>18 MR. BEAUMONT: Object to form.</p> <p>19 MR. KIMREY: Pull up 9B and go ahead and mark</p> <p>20 it, the video.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Okay. So this is the video for which we just</p> <p>23 had a screen capture in 9A.</p> <p>24 Please play the video.</p>	<p style="text-align: right;">Page 200</p> <p>1 MR. BEAUMONT: Object to form.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Do you remember posting that video?</p> <p>4 A. No.</p> <p>5 Q. Is it possible that you posted that video?</p> <p>6 A. Yeah, I guess.</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Okay. But regardless, you have used uTube;</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And in using uTube did you agree to uTube's</p> <p>13 terms and conditions?</p> <p>14 A. Yes.</p> <p>15 Q. In using uTube did you agree to uTube's</p> <p>16 privacy policy?</p> <p>17 A. Yes.</p> <p>18 Q. Are you aware that uTube is owned by Google?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall what information you provided</p> <p>21 to uTube?</p> <p>22 A. I think an e-mail address.</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 199</p> <p>1</p> <p>2 (WHEREUPON, the following</p> <p>3 proceedings were played during</p> <p>4 the video:)</p> <p>5 UNIDENTIFIED SPEAKER: "Now hold for the next</p> <p>6 available representative."</p> <p>7 (Music playing.)</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Does that refresh your recollection about</p> <p>10 whether you made this post? And we can play it again if</p> <p>11 you want.</p> <p>12 A. Yeah, play it again because I don't --</p> <p>13 (WHEREUPON, the following</p> <p>14 proceedings were played during</p> <p>15 the video:)</p> <p>16 UNIDENTIFIED SPEAKER: "Now hold for the next</p> <p>17 available representative."</p> <p>18 (Music playing.)</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. So you can see that the carrier is Sprint?</p> <p>21 A. Yeah.</p> <p>22 Q. This post occurred six years ago, so I think</p> <p>23 that correlates with who you said was your carrier at</p> <p>24 that point in time?</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. What e-mail address?</p> <p>2 A. I don't know.</p> <p>3 Q. Have you provided any other information to</p> <p>4 uTube?</p> <p>5 A. No.</p> <p>6 Q. Let's turn to Page 6 of 9A. Actually, let's</p> <p>7 turn to Page 4 of 9A. This is the uTube Terms of</p> <p>8 Service, Ms. Lukis. Have you ever read these before?</p> <p>9 A. Nope.</p> <p>10 Q. Do you have any reason to doubt that these</p> <p>11 are the uTube Terms of Service?</p> <p>12 A. No.</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Okay. Page 5 -- Page 6 I mean. You'll see</p> <p>16 in the middle there's subject matter headings that say</p> <p>17 "License To uTube, License To Other Uses, Duration Of</p> <p>18 License, Right To Monetize and Removing Your Content."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Did you agree to those terms in using uTube?</p> <p>22 A. Yes.</p> <p>23 Q. Let's go to 9, Page 9 of 9A. This is the</p> <p>24 Google Privacy Policy, Ms. Lukis, which applies to uTube</p>



<p style="text-align: right;">Page 202</p> <p>1 because Google owns uTube. Do you have any reason to  2 doubt that this is the Google Privacy Policy?  3 A. No.  4 Q. In using uTube did you agree to this policy?  5 A. Yes.  6 MR. BEAUMONT: Object to form.  7 BY MR. KIMREY:  8 Q. Let's go to 21. So, Ms. Lukis, you testified  9 that you have a Gmail account which relates to Google  10 Drive which also relates to uTube. You didn't testify  11 about that. I'm saying that because uTube's owned by  12 Google. What I'd like to refer you to is the bottom of  13 21 where it says: "You can export a copy of your  14 information or delete it from your Google account at any  15 time." Do you see that?  16 A. Yes.  17 Q. So in responding to discovery in this case,  18 did you export any information from Google to potentially  19 produce in the case?  20 A. No.  21 Q. One thing I caution you about is, and your  22 counsel can advise you on this, but you have the duty to  23 retain certain things, so one thing I wouldn't want you  24 to do is go out and start deleting a bunch of stuff</p>	<p style="text-align: right;">Page 204</p> <p>1 you changed the settings?  2 A. Not really.  3 Q. What's the -- so both of your cell phones  4 that we talked about today, those are on the Android  5 operating system; is that right?  6 A. Yes.  7 Q. Are you aware that Android is owned by  8 Google?  9 A. Yes.  10 Q. Did you try to pull any Android data in  11 response to discovery by us in this case?  12 A. No.  13 Q. Have you ever had an Apple device?  14 A. No.  15 Q. 36, Page 36. Do you see where it says:  16 "Phone number"?  17 A. Yes.  18 Q. It says: "If you add your phone number to  19 your account, it can be used for different purposes  20 across Google Services depending on your settings. For  21 example, your phone number can be used to help you access  22 your account, if you forget your password, help people  23 find and connect with you and make the ads you see more  24 relevant to you." Did I read that accurately?</p>
<p style="text-align: right;">Page 203</p> <p>1 without somehow saving it for purposes of production in  2 the litigation. Does that make sense?  3 A. Yes.  4 Q. Okay. Let's go to 26. Do you see where it  5 says at the top of the page: "Parties with whom  6 information may be shared"?  7 A. Yes.  8 Q. And a few lines down it says: "Third parties  9 to whom you consent to sharing your information such as  10 services that integrate with Google Services. You can  11 review and manage third-party apps and sites with access  12 to data in your Google account." Did I read that  13 accurately?  14 A. Yes.  15 Q. Have you ever managed your settings in your  16 Google account?  17 A. Yes.  18 Q. When did you do that?  19 A. I don't recall.  20 Q. How many times have you done it?  21 A. I have no idea.  22 Q. Since when have you had a Google account?  23 A. I'd say -- I don't -- early 2000s.  24 Q. Okay. Do you know actually how many times</p>	<p style="text-align: right;">Page 205</p> <p>1 A. Yes.  2 Q. By using Goggle's Services did you agree to  3 that term?  4 A. Yes.  5 Q. Do you see where it says: "Learn more"?  6 A. Yes.  7 Q. Have you ever clicked on that link?  8 A. I don't recall.  9 Q. Page 38. Do you know what information you've  10 provided to any company owned by Google?  11 A. My name and phone number.  12 Q. Have you provided any physical addresses?  13 A. I don't think so.  14 Q. When you say a phone number, do you mean land  15 line, mobile phone --  16 A. My cell phone.  17 Q. -- or both?  18 A. Just my cell phone number.  19 Q. Would that be both of your cell phone  20 numbers?  21 A. Yes.  22 Q. Do you see where it says: "Third parties" at  23 the bottom?  24 A. Yes.</p>



<p style="text-align: right;">Page 206</p> <p>1 Q. It says: "For example, we process your 2 information to report use statistics to rights holder 3 about how their content is used in our services. We may 4 also process your information if people search for your 5 name, and we display search results for sites containing 6 publicly information --" I'm sorry -- "public information 7 about you." Did I read that accurately? 8 MR. BEAUMONT: Object to form. 9 BY THE WITNESS: 10 A. Close enough. You missed publicly available 11 information. 12 BY MR. KIMREY: 13 Q. Then I corrected myself; correct? 14 A. Yeah. 15 Q. Did you agree to that term in using Goggle's 16 services? 17 A. Yes. 18 Q. Then at Page 39 under: "Your activity on 19 other sites and apps --" do you see that? 20 A. Yes. 21 Q. It says: "This activity might come from your 22 use of Google services like from syncing your account 23 with Chrome." Do you use Chrome? 24 A. Yes.</p>	<p style="text-align: right;">Page 208</p> <p>1 A. Yes. 2 Q. Next exhibit, folder 1, sub 10. This will be 3 marked as Exhibit 10. 4 A. Good grief. 5 Q. So this, Ms. Lukis, is a search we performed 6 on January 4th of 2021 on Google of Stephanie Lukis. So 7 you can see the first page is the Google home page. Do 8 you see that? 9 A. Yes. 10 Q. And do you see at the bottom it says -- let's 11 go to the home page. Is this Page 1? 12 MR. TOTH: Yes. 13 BY MR. KIMREY: 14 Q. Okay. We'll just go with it. Okay. So Page 15 1 is the search result, and you can see, for instance, 16 the first thing that pops up is your lawsuit. Do you see 17 that? 18 A. Yes. 19 Q. Okay. And, you know, some of these -- we 20 went five pages in, but some of these search returns 21 relate to you, some of them don't, which is typically the 22 case when you search someone's name. Do you view the, 23 you know, use of your name in connection with -- do you 24 see the Google logo up in the upper left-hand corner?</p>
<p style="text-align: right;">Page 207</p> <p>1 Q. Do you have a Chromebook? 2 A. No. 3 Q. Did you search any of your internet search 4 engine search history in responding to our discovery in 5 this case? 6 A. No. 7 Q. Okay. Backing up, under "Your activity on 8 other sites and apps" it says: "This activity may have 9 come from your use of Google Services like from syncing 10 your account with Chrome or your visits to sites and apps 11 that partner with Google. Many websites and apps partner 12 with Google to improve their content and services. For 13 example, a website might use our advertising services 14 like AdSense or analytics tools like Google Analytics or 15 it might embed other content such as videos from uTube. 16 These services may share information about your activity 17 with Google. Depending on your account settings and the 18 products in use, for instance, when a partner uses Google 19 Analytics in conjunction with our advertising services, 20 this data may be associated with your personal 21 information." Did I read that accurately? 22 A. Yes. 23 Q. By using Google Services did you agree to 24 that term?</p>	<p style="text-align: right;">Page 209</p> <p>1 A. Yes. 2 Q. Do you view this as Google's using your 3 identity to promote its services without your consent? 4 A. I'm not sure how to answer that question. 5 Q. Does it bother you that Google is promoting 6 itself with its logo in connection with your name? 7 A. I mean it's annoying but you can't -- 8 Google's basically the one place that you can't get your 9 name off of. 10 Q. Are there other search engines where you 11 can't get your name off of? 12 A. I don't know. I don't use any other search 13 engines. 14 Q. Is Chrome a search engine? 15 A. No. It's a web browser. 16 Q. Okay. If you search in a Chrome web browser, 17 do you see the same Google logo or a Google logo because 18 they're constantly changing? 19 A. When you open Chrome, it -- if you haven't 20 changed your home page, you do. 21 Q. Do you see -- Let me strike that. 22 So you prefer -- you would prefer if it could 23 be done that Google's logo not be posted in connection 24 with your name; is that right?</p>

<p style="text-align: right;">Page 210</p> <p>1 A. I'd prefer it, yeah but --</p> <p>2 Q. Do you feel like Goggle's doing this harms</p> <p>3 you in any way?</p> <p>4 A. All it is providing is things -- is publicly</p> <p>5 available information where my name is listed. It's not</p> <p>6 providing any -- it's not providing my phone number.</p> <p>7 It's not providing my mailing address. It's not</p> <p>8 providing my e-mail address, so this is not -- this is</p> <p>9 not similar in any way, shape or form to Whitepages.</p> <p>10 Q. But doesn't Google link to services like</p> <p>11 Whitepages when you search your name?</p> <p>12 A. Yes. It lists it as ads.</p> <p>13 Q. And so isn't Google complicit in unauthorized</p> <p>14 use of your name?</p> <p>15 A. I don't know how to answer.</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. So, for instance, if you look at Page 4 --</p> <p>19 let's go to Page 4 of this exhibit. You can see a little</p> <p>20 bit up from the middle of the page one of the search</p> <p>21 returns is Whitepages. So this search return one could</p> <p>22 argue, I'm not taking a position on this, but this search</p> <p>23 return is advertising -- so let's back up so we can see</p> <p>24 the Google search. Is that advertising Google as well as</p>	<p style="text-align: right;">Page 212</p> <p>1 information.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. But Google is pulling information about you</p> <p>4 when you search your name; correct?</p> <p>5 MR. BEAUMONT: Objection, form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. It's pulling information about my name, but</p> <p>8 it's not monetizing it. There's no -- you click on any</p> <p>9 of these locations, it's not going to say hey, you've got</p> <p>10 to pay in order to get the information about the court</p> <p>11 case.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Well, some of them will and some of them</p> <p>14 won't. Do you know how Google makes money?</p> <p>15 A. Probably through ads.</p> <p>16 Q. Okay. So if they serve ads in connection</p> <p>17 with your name, are they using your name without your</p> <p>18 consent under the Illinois Right of Publicity Act?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I've -- I have not read the law, so I really</p> <p>22 wouldn't know how to answer that question.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Okay. So let's go back to the beginning,</p>
<p style="text-align: right;">Page 211</p> <p>1 Whitepages?</p> <p>2 THE VIDEOGRAPHER: Excuse me, counsel. Excuse</p> <p>3 me, counsel. Your microphone --</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Do you agree with that?</p> <p>6 THE VIDEOGRAPHER: You guys are breaking up.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I don't -- sorry.</p> <p>9 THE VIDEOGRAPHER: Sorry, counsel. Your mike</p> <p>10 was breaking up during the questioning. Can you repeat?</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Yeah. So do you view given the search return</p> <p>13 that Google and Whitepages are using your name to</p> <p>14 advertise their services?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I wouldn't say that Google's doing it but</p> <p>18 Whitepages definitely does.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Why do you draw that distinction?</p> <p>21 A. Because Google is just a generic search</p> <p>22 engine that pulls it from everywhere. Whitepages pulls</p> <p>23 specific information directly about me and sells that</p> <p>24 information in order -- you log in and buy that</p>	<p style="text-align: right;">Page 213</p> <p>1 number 1. The first search return when you searched your</p> <p>2 name on Google at this particular point in time was</p> <p>3 Casetext.com. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And it appears from the summary that the</p> <p>6 posting is some kind of posting related to your lawsuit;</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. Does the use of your name in connection with</p> <p>10 this Casetext.com posting bother you?</p> <p>11 A. It bothers me, but it's -- it's not --</p> <p>12 Casetext.com as far as I'm not aware is not listed here</p> <p>13 as an ad where if they're being monetizing using my name</p> <p>14 with an article about the court case.</p> <p>15 Q. Okay.</p> <p>16 A. If it said --</p> <p>17 Q. Does Casetext.com sell advertising, do you</p> <p>18 know?</p> <p>19 A. Is what?</p> <p>20 Q. Does Casetext.com sell advertising?</p> <p>21 A. I have no idea.</p> <p>22 Q. Do you know if Casetext.com makes money?</p> <p>23 A. No. I've never been on the website.</p> <p>24 Q. The next return is the CookCountyrecord.com.</p>

<p style="text-align: right;">Page 214</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And, again, this appears to be a reference to</p> <p>4 your lawsuit; right?</p> <p>5 A. Yes.</p> <p>6 Q. Does this search return in connection with</p> <p>7 the use of your name bother you?</p> <p>8 A. It's not monetizing use of my name. It's</p> <p>9 just a news article about the Whitepages Instant</p> <p>10 CheckMate lawsuits.</p> <p>11 Q. Do you know whether the Cook County Records</p> <p>12 sells ads?</p> <p>13 A. I have no idea. Never been on the website.</p> <p>14 Q. Do you know whether the Cook County Records</p> <p>15 sells subscriptions?</p> <p>16 A. I don't know.</p> <p>17 MR. KIMREY: Can we pull up the web Live and</p> <p>18 run that URL for Ms. Lukis?</p> <p>19 MR. TOTH: Sure. Just give me one second.</p> <p>20 (Brief pause.)</p> <p>21 MR. KIMREY: Michael, should we go off --</p> <p>22 there we go. Okay.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. So Michael just clicked on that link for the</p>	<p style="text-align: right;">Page 216</p> <p>1 A. It's not using my identity. It's just</p> <p>2 using -- it's just a news article. It could -- there</p> <p>3 is -- as it's obvious on there, in April of 2020, they</p> <p>4 had more than just this ad on there or just -- I'm</p> <p>5 sorry -- just this news article, an article on there, so</p> <p>6 it's not using my identity to sell ads. It's using a</p> <p>7 news article to sell ads. My name just happens to be in</p> <p>8 it.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Okay. Is -- Scratch that.</p> <p>11 So you're perfectly fine with the Cook County</p> <p>12 Record selling ads in connection with this article --</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. -- is that right?</p> <p>16 A. It has nothing to do with me. Every news</p> <p>17 article they have will have ads on it. It is not</p> <p>18 directly using my name, my cell phone number, my -- any</p> <p>19 home phone number.</p> <p>20 Q. Well, your name is in the article. Can we</p> <p>21 scroll down to the first reference to Ms. Lukis in the</p> <p>22 article?</p> <p>23 So second paragraph: "Robert Fisher and</p> <p>24 Stephanie Lukis both sued instant CheckMate," et cetera.</p>
<p style="text-align: right;">Page 215</p> <p>1 Cook County Record, and we can now see the article. Do</p> <p>2 you see that, Ms. Lukis?</p> <p>3 A. Yes.</p> <p>4 Q. It says -- the headline is: "Judge Okays</p> <p>5 Class Actions to Continue Versus Whitepages Instant</p> <p>6 CheckMate Accusing Sites of Using People's Identities in</p> <p>7 Ads." Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And do you see that there are ads on the</p> <p>10 right-hand side of this page posted by the Cook County</p> <p>11 Record?</p> <p>12 A. Yes.</p> <p>13 Q. And do you think it's fair to assume that the</p> <p>14 Cook County Record makes money off of those ads?</p> <p>15 MR. BEAUMONT: Form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Yes.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Did you say yes?</p> <p>20 A. Yes.</p> <p>21 Q. So is the Cook County Record using your</p> <p>22 identity to sell ads on the Cook County Record?</p> <p>23 MR. BEAUMONT: Form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 217</p> <p>1 It's definitely using your name --</p> <p>2 A. But it's not profiting --</p> <p>3 Q. -- right?</p> <p>4 A. It's not profiting off of my name. It's</p> <p>5 profiting off of their content which is just a news</p> <p>6 article. It's not specifically my -- by using my name</p> <p>7 they're getting a -- they're making a profit. It's just</p> <p>8 a news article. It's not --</p> <p>9 Q. By using your name --</p> <p>10 A. -- using my name you have to sign in.</p> <p>11 MR. BEAUMONT: Hold on. Counsel, please let</p> <p>12 her finish her response.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. So how does the news article --</p> <p>15 MR. BEAUMONT: Counsel --</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Why is the --</p> <p>18 MR. BEAUMONT: Do you have an additional</p> <p>19 response?</p> <p>20 MR. KIMREY: Let me finish. Let me finish.</p> <p>21 MR. BEAUMONT: No. No. No.</p> <p>22 MR. KIMREY: Let me finish.</p> <p>23 MR. BEAUMONT: Counsel --</p> <p>24 BY MR. KIMREY:</p>

<p style="text-align: right;">Page 218</p> <p>1 Q. How is the news article different from the</p> <p>2 data made available by Whitepages?</p> <p>3 A. Like I said, this website is not using my</p> <p>4 specific name giving people access to my address, my</p> <p>5 phone numbers, contact information about me in order to</p> <p>6 be able to sell ads. All it has is my name on there on a</p> <p>7 news article. It's completely different than what</p> <p>8 Whitepages does.</p> <p>9 Q. Which is what?</p> <p>10 A. Provides my personal information, my address</p> <p>11 and -- my address, current address and every address I've</p> <p>12 ever lived at, a list of phone numbers that are connected</p> <p>13 with my name. It lists off whether I've had a bankruptcy</p> <p>14 or whether I've had traffic tickets. What -- that</p> <p>15 information is what you guys -- what Whitepages makes</p> <p>16 their money off of by making people pay for that -- pay</p> <p>17 to access my full unredacted file. This is not making</p> <p>18 money directly off of my name. This is just a news</p> <p>19 article my name happens to be a part of.</p> <p>20 Q. Let's go onto folder 1.11.</p> <p>21 MR. BEAUMONT: Counsel, we've been going for</p> <p>22 quite a while now. I think it may be appropriate to take</p> <p>23 a five-minute break.</p> <p>24 MR. KIMREY: Sure.</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. Did you request that your identity or your</p> <p>2 profile be removed from Whitepages.com?</p> <p>3 A. No.</p> <p>4 Q. Have you ever visited other than sitting in</p> <p>5 this deposition Whitepages.com?</p> <p>6 A. Not to my knowledge. Wait. No. Not to my</p> <p>7 knowledge.</p> <p>8 MR. BEAUMONT: Can you repeat the question? I</p> <p>9 didn't hear the question.</p> <p>10 MR. KIMREY: I asked Ms. Lukis whether she had</p> <p>11 ever visited Whitepages.com.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I'm not sure.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Is it possible that you have visited</p> <p>16 Whitepages.com before?</p> <p>17 A. I heard -- I've heard about it. I found out</p> <p>18 about it through my mother but -- I'm trying to think. I</p> <p>19 can't recall.</p> <p>20 Q. Have you searched your browser history on</p> <p>21 your digital devices to see if and when you visited</p> <p>22 Whitepages.com?</p> <p>23 A. No.</p> <p>24 Q. In your or your counsel's written discovery</p>
<p style="text-align: right;">Page 219</p> <p>1 THE VIDEOGRAPHER: Okay. Going off the video</p> <p>2 record at 3:31 p.m.</p> <p>3 (WHEREUPON, a break was</p> <p>4 taken.)</p> <p>5 We're back on the record at 3:40 p.m.</p> <p>6 You may proceed.</p> <p>7 MR. KIMREY: Okay. I'm going to withdraw</p> <p>8 Exhibit 11, what's up on the screen, so let's deem that</p> <p>9 withdrawn, and I'm subbing in another 11 which in the</p> <p>10 folder structure is 1 11.5, so 11.5. So it's at -- 1</p> <p>11 11.5 is now becoming official Exhibit 11.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Okay. Ms. Lukis, this is a search on</p> <p>14 January 4th of 2021. Can you see the date up in the</p> <p>15 upper left-hand corner --</p> <p>16 A. Now I can.</p> <p>17 Q. -- January 4th, 2021? Am I reading that</p> <p>18 accurately?</p> <p>19 A. Yes.</p> <p>20 Q. Of Stephanielukis. Those two words together,</p> <p>21 and then the return on that search on Whitepages.com.</p> <p>22 Are any of the people listed here as far as you can tell</p> <p>23 you?</p> <p>24 A. Nope.</p>	<p style="text-align: right;">Page 221</p> <p>1 responses -- let me back up.</p> <p>2 We propounded interrogatories, document</p> <p>3 requests and requests to admit to you in the case. Were</p> <p>4 those shared with you?</p> <p>5 A. I believe a copy of the original search for</p> <p>6 Whitepages.com for my name was.</p> <p>7 Q. Well, so here's my question. We served</p> <p>8 requests to admit on your counsel asking for various</p> <p>9 admissions. Were those shared with you?</p> <p>10 A. The -- I've gotten copies of the -- the court</p> <p>11 documents. I don't know. Hold on. I don't even know.</p> <p>12 I'm not sure. I -- I don't recall.</p> <p>13 Q. Were our interrogatories shared with you?</p> <p>14 A. I -- I believe so.</p> <p>15 Q. Were our document requests shared with you?</p> <p>16 A. Yes.</p> <p>17 Q. Did you provide input on the request to</p> <p>18 admit, interrogatory and document request responses?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. In your discovery responses, you</p> <p>21 indicated that you had, indeed, visited Whitepages.com</p> <p>22 before?</p> <p>23 A. Again, I -- I think so. I just -- I just</p> <p>24 don't remember at the moment.</p>

<p style="text-align: right;">Page 222</p> <p>1 Q. If you said in your discovery responses that</p> <p>2 you had visited Whitepages.com before, is that the truth?</p> <p>3 A. Then I guess I visited Whitepages.com before.</p> <p>4 Again, it's been -- it's been six hours, and I'm just</p> <p>5 getting tired, so sorry. I'm -- yeah, I think I've seen</p> <p>6 it before. I think I've been on it before but, again,</p> <p>7 it's -- yeah.</p> <p>8 Q. In visiting Whitepages.com did you agree to</p> <p>9 the terms of service?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. Because I never registered for an account,</p> <p>13 and I never -- it -- if you don't sign up for an account,</p> <p>14 you don't get -- you don't have to agree to the terms of</p> <p>15 service.</p> <p>16 Q. In visiting Whitepages.com did you agree to</p> <p>17 the privacy policy?</p> <p>18 A. No.</p> <p>19 Q. How many times did you visit Whitepages.com?</p> <p>20 A. From what I can recall, once when I found out</p> <p>21 that the web page existed.</p> <p>22 Q. You said your mom told you it existed. What</p> <p>23 did she say to you?</p> <p>24 A. I had changed my phone number after I moved</p>	<p style="text-align: right;">Page 224</p> <p>1 way you can do it.</p> <p>2 Q. Would you have gone ahead and done that, so</p> <p>3 removed the profile?</p> <p>4 A. In order to remove the profile, I would have,</p> <p>5 but I -- again, I don't -- I was just so mad that she had</p> <p>6 gotten my number and that when I just typed in my name,</p> <p>7 my name was the first thing that came up, I got irked off</p> <p>8 and turned off the computer. I didn't know that I could</p> <p>9 have removed my name until much later.</p> <p>10 Q. Okay.</p> <p>11 A. And at the time I -- I don't -- I don't know</p> <p>12 if I would have signed in to remove my name. I think I</p> <p>13 would have just done the contact us and requested my name</p> <p>14 be removed.</p> <p>15 Q. Okay. So understandably you were upset</p> <p>16 because you were avoiding being contacted by your mom.</p> <p>17 You had changed your cell phone number. I mean is that</p> <p>18 right? You were avoiding being contacted by your mom;</p> <p>19 right?</p> <p>20 A. Yes. My mother is very emotionally and</p> <p>21 mentally abusive, and I was getting away from her because</p> <p>22 she was causing me mental health issues.</p> <p>23 Q. And you had changed your phone number for the</p> <p>24 sole purpose of avoiding her; is that right?</p>
<p style="text-align: right;">Page 223</p> <p>1 back to Chicago to get away from her, and she ended up</p> <p>2 calling me on my cell phone after I changed my number,</p> <p>3 and I was like how the hell did you get my phone number,</p> <p>4 and she told me about Whitepages and Instant CheckMate</p> <p>5 and that she had paid for the unredacted report for my</p> <p>6 name to get my new cell phone number.</p> <p>7 Q. When did that -- was that an oral</p> <p>8 conversation you had with her?</p> <p>9 A. It was a conversation over the phone.</p> <p>10 Q. When did that occur?</p> <p>11 A. November of 2018.</p> <p>12 Q. Was that before or after you saw the</p> <p>13 Craigslist ad by your counsel?</p> <p>14 A. Way before.</p> <p>15 Q. After your mom told you that she was able to</p> <p>16 find your new cell phone number via Whitepages and via</p> <p>17 Instant CheckMate did you go to those sites and try to</p> <p>18 remove your profile?</p> <p>19 A. No. I didn't know that was possible. I</p> <p>20 found out later that I could have done it.</p> <p>21 Q. Had you known at the time that it was</p> <p>22 possible would you have done it?</p> <p>23 A. Yes, but that would have involved signing up</p> <p>24 for the website and I -- the only way -- that's the only</p>	<p style="text-align: right;">Page 225</p> <p>1 A. Yes. I changed my phone number and carrier.</p> <p>2 Q. Did you on Craigslist look for an opportunity</p> <p>3 to sue Whitepages and Instant CheckMate?</p> <p>4 A. No. I was just -- I was looking for a job</p> <p>5 and I -- it happened to just pop up.</p> <p>6 Q. Okay. And before that popped up did you have</p> <p>7 any intent to sue Whitepages or ICM?</p> <p>8 A. No. I didn't think it was possible. I don't</p> <p>9 have money to be able to start a lawsuit.</p> <p>10 Q. If you had called Whitepages and said remove</p> <p>11 my profile and Whitepages had done that, would you have</p> <p>12 filed suit?</p> <p>13 MR. BEAUMONT: Form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't know.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. And if you would have filed suit, what would</p> <p>18 your claim have been? What would you -- what would you</p> <p>19 say -- how would you say you were harmed?</p> <p>20 A. I'm literally trying to get away from</p> <p>21 somebody who was abusive towards me and now that person</p> <p>22 has my new phone number even though I changed it to get</p> <p>23 away from her.</p> <p>24 Q. And were you harmed in any other way?</p>

<p style="text-align: right;">Page 226</p> <p>1 A. I don't know how to answer that question.</p> <p>2 Q. Well, I'm just asking you are you aware of</p> <p>3 having been harmed in any other way than your mom finding</p> <p>4 the number that you didn't want her to find.</p> <p>5 A. That was the reason I changed my phone number</p> <p>6 and moved to Chicago was to get away from her.</p> <p>7 Q. Understood. And were you harmed in any other</p> <p>8 way by the Whitepages profile other than its having</p> <p>9 apparently made your new phone number available to your</p> <p>10 mom?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. It's caused me a lot of stress, anxiety and</p> <p>14 mental like anguish because I don't -- the woman abused</p> <p>15 me for 40 years, and having her -- having her call me out</p> <p>16 of the blue when I changed my phone number gave me a</p> <p>17 panic attack. She showed up at my house when I live 900</p> <p>18 miles away just to come and try to talk to me even though</p> <p>19 I wanted nothing to do with her which caused my panic</p> <p>20 attacks, stress and depression because it seemed no</p> <p>21 matter what I did to get away from this woman -- you guys</p> <p>22 provided my information. All she had to do was pay a</p> <p>23 fee. Even if I changed my phone number again, she'd</p> <p>24 still be able to get my information because you guys</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. So did she share your new number with other</p> <p>2 relatives?</p> <p>3 A. She gave my number to everybody --</p> <p>4 MR. BEAUMONT: Form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. -- who was mad that I cut her off, and the</p> <p>7 narrative that she gave them is she didn't do anything</p> <p>8 wrong, how dare I cut her off. So I got harassing phone</p> <p>9 calls and harassing voicemails from a bunch of different</p> <p>10 family members because I cut her off. So it gave me an</p> <p>11 ulcer. It gives me panic attacks. It --</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Have you seen a doctor for the ulcer?</p> <p>14 A. Yes.</p> <p>15 Q. What's the name of the doctor?</p> <p>16 A. That's covered under HIPAA.</p> <p>17 Q. Are you claiming in this case monetary</p> <p>18 damages related to the ulcer?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Related to the ulcer, no.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Are you claiming monetary damages in this</p> <p>24 case related to the anxiety you testified about?</p>
<p style="text-align: right;">Page 227</p> <p>1 allow her -- allow a website to pay -- for somebody to</p> <p>2 pay your website in order to give that information away.</p> <p>3 I could change the phone number again. The second she</p> <p>4 realizes my phone number has changed she's just going to</p> <p>5 get it again, and I don't need that panic attack every</p> <p>6 time I change my phone number and she calls me. I don't</p> <p>7 need to have to go to a therapist every time I change my</p> <p>8 phone number because she's got it again and she's</p> <p>9 harassing me again.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Understood. I understand the harm that</p> <p>12 you've articulated. But what I'm trying to figure out is</p> <p>13 beyond your mom finding the phone number that you didn't</p> <p>14 want her to have and the anxiety, the stress --</p> <p>15 A. I've also had to --</p> <p>16 Q. -- the mental anguish --</p> <p>17 A. I've also had to deal with my brother</p> <p>18 harassing me, her husband harassing me, aunts and uncles</p> <p>19 harassing me because I cut her off. So I have my entire</p> <p>20 family on her side of the family constantly harassing me</p> <p>21 until I was able to figure out how to block them because</p> <p>22 I cut her off and stopped talking to her. It caused me a</p> <p>23 ton of anxiety and frustration and gave me an ulcer</p> <p>24 because I was constantly having to deal with this.</p>	<p style="text-align: right;">Page 229</p> <p>1 A. No.</p> <p>2 Q. Are you claiming monetary damages in this</p> <p>3 case related to the emotional distress you testified</p> <p>4 about?</p> <p>5 A. No. I just -- I just need to get my name and</p> <p>6 information off of every website possible, and this seems</p> <p>7 to be the only way to do it.</p> <p>8 Q. Okay. So what are the monetary damages</p> <p>9 you're seeking in this case?</p> <p>10 MR. BEAUMONT: Object to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. That would have to be up -- up to my</p> <p>13 attorney. We haven't discussed anything like that. I'd</p> <p>14 have to talk to him.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. So you never requested directly to Whitepages</p> <p>17 that your profile be removed; correct?</p> <p>18 A. I didn't know I could do that until I found</p> <p>19 out during this case.</p> <p>20 Q. But now you know; right?</p> <p>21 A. But that's not gonna help every -- I -- it's</p> <p>22 not going to be able to help every other person who</p> <p>23 wishes to not be on this -- on this website, and the way</p> <p>24 the website operates according to my attorneys is illegal</p>



<p style="text-align: right;">Page 230</p> <p>1 in the State of Illinois.</p> <p>2 Q. And as you sit here today, you can't tell me</p> <p>3 what your monetary damages are; is that correct?</p> <p>4 MR. BEAUMONT: Object to form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I would have to talk to my attorney. I don't</p> <p>7 know.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Okay. You know that there are a lot of other</p> <p>10 sites that provide information of this kind; right?</p> <p>11 A. Yes, and you gave me a list of them that I'm</p> <p>12 going to be -- that have the ability to opt-out of, and</p> <p>13 I'm going to be going to them after this and opting out</p> <p>14 of every single one I can find.</p> <p>15 Q. Okay. Do you plan to make a request to</p> <p>16 Whitepages to, you know, basically blacklist your --</p> <p>17 A. I'd have to talk to my attorney about that.</p> <p>18 I don't know how that would affect this, so I'd have to</p> <p>19 talk to him.</p> <p>20 Q. Okay. As you sit here today, do you know how</p> <p>21 many times you visited the Whitepages website?</p> <p>22 A. I don't remember. I know --</p> <p>23 Q. Your mom -- so you didn't know about the</p> <p>24 existence of Whitepages or Instant CheckMate until your</p>	<p style="text-align: right;">Page 232</p> <p>1 pop up when I searched my first and last name, it freaked</p> <p>2 me out and I turned off the computer.</p> <p>3 Q. Did -- when the search return came back, did</p> <p>4 it show, you know, in front of the pay wall as we refer</p> <p>5 to it your new cell phone number?</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. No. That's why she had to pay to get it. It</p> <p>9 showed my name, the city, couple cities I've lived in and</p> <p>10 people who are connected to me as well as my maiden name.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Okay. But you didn't then go get a</p> <p>13 background report to confirm it had what she said it had</p> <p>14 in it; right?</p> <p>15 A. No, because I didn't want to sign up for the</p> <p>16 website. I -- it made me freak out and caused another</p> <p>17 panic attack, and I turned my computer off.</p> <p>18 Q. Okay. Did she provide you a copy of the</p> <p>19 background report that she obtained from Whitepages?</p> <p>20 A. No. I found out about it -- I got a copy of</p> <p>21 it later when I found out about it, and I think it's part</p> <p>22 of the file that you have on where they -- where the</p> <p>23 attorneys pulled my information.</p> <p>24 Q. Okay. Did she provide you with a copy of the</p>
<p style="text-align: right;">Page 231</p> <p>1 mom called you and said, you know, in September of 2018</p> <p>2 hey, I have your number because I'm calling you right now</p> <p>3 and I got it off of these two websites? Is that what she</p> <p>4 said?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. She informed me that she paid to get my new</p> <p>8 phone number.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Did she say she paid Whitepages to get it?</p> <p>11 A. Yeah, she paid Whitepages and she paid</p> <p>12 Instant CheckMate to get the unredacted information to be</p> <p>13 able to get my phone number.</p> <p>14 Q. And before that call did you know anything</p> <p>15 about Whitepages at all?</p> <p>16 A. No.</p> <p>17 Q. And before that call did you know anything</p> <p>18 about Instant CheckMate at all?</p> <p>19 A. No.</p> <p>20 Q. But now you're curious I assume because she</p> <p>21 told you that's how she got the number and you then</p> <p>22 visited both websites?</p> <p>23 A. I looked at them to see what it -- what</p> <p>24 information it was, and when my name was the first one to</p>	<p style="text-align: right;">Page 233</p> <p>1 background report that she obtained from Instant</p> <p>2 CheckMate?</p> <p>3 A. No. She -- she had already been blocked on</p> <p>4 my e-mail at that point, and I didn't know that you could</p> <p>5 pay to get my new phone number and mailing address.</p> <p>6 Q. So your mom never provided you with a copy of</p> <p>7 the Whitepages background report or the ICM background</p> <p>8 report; correct?</p> <p>9 A. No.</p> <p>10 Q. When you say no, do you agree with me?</p> <p>11 A. That she did not provide me the information.</p> <p>12 She didn't give me a copy of it. She just told me what</p> <p>13 was on it.</p> <p>14 Q. Okay. So in Exhibit -- well, before I move</p> <p>15 off of that, so beyond the ulcer, the anxiety, the</p> <p>16 emotional distress have -- do you feel as if you've</p> <p>17 suffered in any way as a result of the actions of</p> <p>18 Whitepages?</p> <p>19 A. I think the -- the ulcer and the anxiety and</p> <p>20 panic attacks is -- the emotional distress is suffering</p> <p>21 because of Whitepages having my information available.</p> <p>22 Q. Did your mom before she made this phone call</p> <p>23 cause you emotional distress?</p> <p>24 A. Did she cause me emotional distress before</p>



<p style="text-align: right;">Page 234</p> <p>1 this phone call?</p> <p>2 Q. Yes.</p> <p>3 A. Yes. She was very emotionally and mentally</p> <p>4 abusive. She -- I still get panic attacks because of the</p> <p>5 things that she said and did to me when I was -- up until</p> <p>6 I cut her off.</p> <p>7 Q. And did your mom cause you anxiety before the</p> <p>8 phone call in which she told you she obtained your number</p> <p>9 from Whitepages and ICM?</p> <p>10 A. Not to the degree that it happened after the</p> <p>11 fact.</p> <p>12 Q. But she did cause you to suffer anxiety</p> <p>13 before then?</p> <p>14 A. She caused me stress, frustration and anxiety</p> <p>15 but never to the point that I needed anxiety medication.</p> <p>16 Q. When were you first diagnosed with the ulcer?</p> <p>17 MR. BEAUMONT: Object to form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Not sure. I don't remember. I've been -- I</p> <p>20 saw a bunch of different doctors about stuff, so I</p> <p>21 don't --</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. But you're not seeking any monetary recovery</p> <p>24 for the ulcer, the anxiety or the emotional distress in</p>	<p style="text-align: right;">Page 236</p> <p>1 MR. BEAUMONT: Objection.</p> <p>2 THE WITNESS: I'm sorry. Will?</p> <p>3 MR. BEAUMONT: Object as asked and answered.</p> <p>4 She's already answered this question.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. And she can -- you can answer. He's not</p> <p>7 instructing you not to answer.</p> <p>8 A. I already told you I'm not seeking</p> <p>9 monetary -- I'm not seeking you to pay my medical bills</p> <p>10 or pay for my in -- medications or anything like that if</p> <p>11 that's what you're asking.</p> <p>12 Q. Are you seeking for us to pay for the</p> <p>13 monetary value of your emotional distress?</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. No. It's -- any -- any compensation for this</p> <p>17 I'd have to discuss with my attorney but not for the</p> <p>18 medical situation.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. And not for the emotional situation; right?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I'm pretty sure I've already answered that</p> <p>24 question three times now.</p>
<p style="text-align: right;">Page 235</p> <p>1 this case; correct?</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I need to talk to my attorney to figure out</p> <p>5 what exactly you're talking about because I don't</p> <p>6 under -- I don't understand what you mean, so I have to</p> <p>7 talk to --</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Well, just to elaborate, we get to take</p> <p>10 discovery of all of your doctor visits, all of your</p> <p>11 medication, all of your diagnostic history despite HIPAA</p> <p>12 if you're seeking recovery for those things in this case.</p> <p>13 However, if you're not seeking recovery for those things</p> <p>14 in this case, then it's not relevant, and I won't ask you</p> <p>15 any more questions about it. But if you are seeking</p> <p>16 recovery for mental issues and medication and anxiety and</p> <p>17 emotional distress, we're completely entitled to seek,</p> <p>18 you know, the identity of the doctors you're seeing.</p> <p>19 A. I'm not -- I'm not seeking -- I'm not seeking</p> <p>20 monetary --</p> <p>21 MR. BEAUMONT: Objection, asked and answered.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. You can answer.</p> <p>24 A. I am not seeking any --</p>	<p style="text-align: right;">Page 237</p> <p>1</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Please answer it.</p> <p>4 A. Not for the emotional distress. Anything</p> <p>5 else I've got to talk to my attorney about.</p> <p>6 Q. What else would there be?</p> <p>7 A. I don't know. That's why I need to talk to</p> <p>8 him about it. Again, I have to talk to him about what's</p> <p>9 going -- what's going on.</p> <p>10 Q. Okay. Let's refer to what's Bates as 18 in</p> <p>11 this exhibit in the lower right-hand corner, so that's</p> <p>12 later. It's one, two, three, four, five, six -- there we</p> <p>13 go. That's the page. Okay.</p> <p>14 So this is the Whitepages Terms of Use that</p> <p>15 we produced in this case, Ms. Lukis, and you can tell</p> <p>16 that we produced it in the case because it bears a Bates</p> <p>17 stamp down in the lower right-hand corner which for</p> <p>18 some -- yeah, there you go. Do you have any reason not</p> <p>19 to think these are the Whitepages Terms of Use produced</p> <p>20 in this case?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I have no reason to believe it's not.</p> <p>24 BY MR. KIMREY:</p>

<p style="text-align: right;">Page 238</p> <p>1 Q. Okay. If you look at the second paragraph 2 from the top, so it says: "Acceptance of these terms of 3 use." Second paragraph says: "Each time that you access 4 or use the services you signify that you have read, 5 understand and agree to be bound by these terms as well 6 as our privacy policy which is incorporated by reference 7 herein." Did I read that accurately? 8 A. Yes. 9 Q. So you can see that Whitepages takes the 10 position that when you use the website you agree to the 11 terms in the privacy policy. Do you understand that? 12 A. Yes. 13 Q. Do you agree with that? 14 A. No. 15 MR. BEAUMONT: Object to form. 16 BY MR. KIMREY: 17 Q. Why not? 18 A. Because in every other website I've ever been 19 to the only way you're bound to the terms and privacy 20 policy is if you signed up for the website. If I had 21 signed up for an account, yes, I would be bound to the 22 terms. I didn't -- there's no reason to be bounded by 23 the terms and privacy policy of a website that I've never 24 created an account for.</p>	<p style="text-align: right;">Page 240</p> <p>1 signed -- they created an account for it. 2 Q. So you don't know whether Mr. Costales has 3 conceded in this case that he accepted the terms and 4 conditions in the privacy policy in investigating and 5 prosecuting your claim? 6 MR. BEAUMONT: Objection, asked and answered. 7 This is the third time you're -- this is the third time 8 this is being asked and she's provided answers. I don't 9 understand why -- this is fully asked and answered. 10 BY MR. KIMREY: 11 Q. You can answer. 12 A. I've already done it twice. My answer's -- 13 Q. Do it again. 14 A. -- not gonna change. 15 MR. BEAUMONT: There's no need for her to say 16 it three times. She -- we can have the court reporter 17 read back -- read back the questions and answers if you 18 don't recall -- don't recall her answers. 19 MR. KIMREY: That's an improper speaking 20 objection again. 21 BY MR. KIMREY: 22 Q. So you have no awareness, Ms. Lukis, of 23 whether your counsel Roberto Costales accepted the terms 24 and conditions in the privacy policy of Whitepages in</p>
<p style="text-align: right;">Page 239</p> <p>1 Q. Okay. Is it your position that -- okay. 2 Strike that. 3 Are you aware that your counsel Roberto 4 Costales accepted the terms and conditions in the privacy 5 policy of Whitepages? 6 A. I have no idea what they have done or not 7 done. 8 Q. Do you know whether Mr. Costales has visited 9 the Whitepages website in investigating and prosecuting 10 your claim? 11 A. Yes. 12 Q. How do you know that? 13 A. Because it's one of the documents that was -- 14 that is available to me to look at. 15 Q. Do you know whether Mr. Costales accepted the 16 terms and conditions in the privacy policy -- 17 A. I have no idea. 18 Q. -- in connection with investigating and 19 prosecuting your claim? 20 A. I have no idea. I can't tell you what they 21 may or may not have done. 22 Q. Isn't that also in the pleadings? 23 A. I -- again, I have read some -- I have read 24 most of the documents. I don't know whether or not they</p>	<p style="text-align: right;">Page 241</p> <p>1 investigating and prosecuting your claim; is that right? 2 MR. BEAUMONT: Objection, asked and answered, 3 and she's provided -- provided her answer. 4 BY MR. KIMREY: 5 Q. Is that right? 6 A. I've answered the question twice already. 7 Q. You're required to answer it again. 8 MR. BEAUMONT: She's not required -- she's 9 already provided her answer. I think we should ask the 10 court reporter to -- Ms. Court Reporter, would you 11 please -- would you please read back -- 12 MR. KIMREY: No. No. This is my deposition. 13 Your behavior is inappropriate, Mr. Beaumont. You're 14 engaging in speaking objections. You're wasting our 15 time. 16 BY MR. KIMREY: 17 Q. Answer the question. 18 A. And so are you by asking the same question 19 three times. 20 Q. What was your answer? 21 A. Again, like I said twice before, I do not 22 know. I'm not an attorney. I don't know what they have 23 done. 24 Q. What do you know that they've done in</p>

<p style="text-align: right;">Page 242</p> <p>1 investigating and prosecuting your case?</p> <p>2 MR. BEAUMONT: Objection. I believe this is</p> <p>3 calling for -- this is calling for attorney/client</p> <p>4 privilege matter.</p> <p>5 BY THE WITNESS:</p> <p>6 A. You're asking me to speculate about what my</p> <p>7 attorneys have done.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. They're your counsel.</p> <p>10 A. Yes.</p> <p>11 Q. They're acting as agents for you.</p> <p>12 A. And you're asking me --</p> <p>13 Q. You should know what they're doing.</p> <p>14 A. -- to speculate.</p> <p>15 Q. And you're free to testify about it to the</p> <p>16 extent it's public record. What are you aware of that is</p> <p>17 public record that your attorneys have done to</p> <p>18 investigate and prosecute your case?</p> <p>19 A. I've read all of the -- the depositions, or</p> <p>20 not the depositions, the -- what do you call it? The</p> <p>21 filings to the courts. Well, most of them. I probably</p> <p>22 might have missed a couple, but I've read those wherein</p> <p>23 it says what's going on, why -- why it's an objection, a</p> <p>24 bunch of -- a ton of questions that you asked me about my</p>	<p style="text-align: right;">Page 244</p> <p>1 motherboard crashed on.</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Definitely preserve the two hard drives that</p> <p>5 you currently have possession of and don't tamper with</p> <p>6 them.</p> <p>7 A. Yeah. They're sitting in a drawer.</p> <p>8 Q. Have you ever agreed to arbitration in any</p> <p>9 way?</p> <p>10 A. No.</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. I don't mean as to Whitepages. I mean just</p> <p>14 generally. Have you ever agreed to arbitration related</p> <p>15 to or arising out of any dispute?</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. No.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Have you ever agreed to waiver of class</p> <p>21 action rights related to or arising out of any dispute?</p> <p>22 MR. BEAUMONT: Object to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 243</p> <p>1 opinion on things, but you're -- you're asking me to make</p> <p>2 a -- set a position about what my attorneys have done,</p> <p>3 and I can't tell you that I know for certain what they've</p> <p>4 done. That's asking me to make an assumption, and I'm</p> <p>5 not going to make an assumption about something somebody</p> <p>6 else has done. Unless they specifically have told me</p> <p>7 that they did this I don't know.</p> <p>8 Q. Is it your testimony that you visited the</p> <p>9 Whitepages website only once in your entire life?</p> <p>10 A. Yes. I looked at it, got freaked out about</p> <p>11 it, turned off my computer.</p> <p>12 Q. Have you searched for and produced your</p> <p>13 browser history related to your visiting the Whitepages</p> <p>14 website in response to Whitepages' written discovery in</p> <p>15 this case?</p> <p>16 A. I can't.</p> <p>17 MR. BEAUMONT: Object to form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. It's on a hard drive on a com -- that doesn't</p> <p>20 have a computer anymore.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. What hard drive would that search history be</p> <p>23 on?</p> <p>24 A. That would be on the HP desktop that the</p>	<p style="text-align: right;">Page 245</p> <p>1</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Have you ever agreed to litigate in a state</p> <p>4 other than Illinois arising out of or related to a</p> <p>5 dispute?</p> <p>6 A. No.</p> <p>7 Q. Have you ever agreed to limit the damages you</p> <p>8 can seek arising out of or related to any dispute?</p> <p>9 A. No.</p> <p>10 Q. Have you ever agreed to indemnify anybody</p> <p>11 related to or arising out of any dispute?</p> <p>12 A. No.</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Have you ever agreed to defend anybody</p> <p>16 related to or arising out of any dispute?</p> <p>17 MR. BEAUMONT: Object to form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. No.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Have you ever agreed to liquidated damages</p> <p>22 related to or arising out of any dispute?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>

<p style="text-align: right;">Page 246</p> <p>1 A. No.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Have you ever agreed to recovery of or</p> <p>4 payment of attorneys' fees related to or arising out of</p> <p>5 any dispute?</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. No.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Have you searched for any written contracts</p> <p>11 at all in response to Whitepages' written discovery in</p> <p>12 this case?</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. No.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Have you ever read Whitepages' Terms and</p> <p>18 Conditions?</p> <p>19 A. No.</p> <p>20 Q. Have you ever read Whitepages' Privacy</p> <p>21 Policy?</p> <p>22 A. No.</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 248</p> <p>1 how you use our services, whether you navigate between</p> <p>2 our service and others. For example, we use cookies</p> <p>3 (small text files placed on your device) and web beacons</p> <p>4 (small graphic images contained in a web page or</p> <p>5 e-mail.)" Did I read that accurately?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have any reason to believe that what I</p> <p>8 just read is inaccurate factually?</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. No.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Then at 4 it says: "Access to data not</p> <p>14 collected directly by Whitepages. Our users are able to</p> <p>15 access, contact and background information from third</p> <p>16 parties to meet a number of needs, including fraud</p> <p>17 prevention for verifying identities and updating contact</p> <p>18 information. Such data is not compiled by Whitepages and</p> <p>19 instead is provided by third parties." Did I read that</p> <p>20 accurately?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any reason to believe that that</p> <p>23 statement is factually incorrect?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 247</p> <p>1 Q. Have you ever attempted to opt-out of</p> <p>2 Whitepages' Terms and Conditions?</p> <p>3 A. I didn't know that was an availability.</p> <p>4 Q. So the answer is no?</p> <p>5 A. The answer is no.</p> <p>6 Q. Have you ever opt -- have you ever attempted</p> <p>7 to opt-out of Whitepages' Privacy Policy?</p> <p>8 A. No.</p> <p>9 Q. Let's turn to Bates stamp 25. I've actually</p> <p>10 lost the exhibit. Can you guys see the exhibit?</p> <p>11 Michael? There it is.</p> <p>12 So let's go to Bates stamp 25. So it says</p> <p>13 here at 3: "How we collect data." Do you see that, Ms.</p> <p>14 Lukis?</p> <p>15 A. Yes.</p> <p>16 Q. It says: "The data we collect depends on the</p> <p>17 services and features of our products that you use. You</p> <p>18 provide some data directly such as when you create an</p> <p>19 account, submit a search query or contact us for support.</p> <p>20 Our servers collect information known as log data that</p> <p>21 includes your IP address. It's on your computer or</p> <p>22 device visited the site, the URL of the website you</p> <p>23 arrived from and the type of device or browser you used</p> <p>24 to access the site. We also get information by recording</p>	<p style="text-align: right;">Page 249</p> <p>1 Q. Do you believe that if someone signs up for</p> <p>2 an account on Whitepages like your mom apparently did</p> <p>3 that they agree to be bound by the terms and conditions</p> <p>4 in the privacy policy?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Yes.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. In investigating and prosecuting this case is</p> <p>10 Mr. Costales working on your behalf?</p> <p>11 A. Yes.</p> <p>12 Q. Does he have authority from you to do</p> <p>13 whatever he thinks is appropriate to investigate and</p> <p>14 prosecute this case on your behalf?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know what an agent is?</p> <p>17 A. In -- I believe so, yes.</p> <p>18 Q. So I'll define agent for you. Someone who's</p> <p>19 authorized to, you know -- someone who is authorized to</p> <p>20 operate on your behalf. Is Mr. Costales for purposes of</p> <p>21 investigating and prosecuting this case your agent?</p> <p>22 A. Yes.</p> <p>23 MR. BEAUMONT: Objection, legal conclusion.</p> <p>24 BY MR. KIMREY:</p>

<p style="text-align: right;">Page 250</p> <p>1 Q. Is Mr. Beaumont in investigating and 2 prosecuting this case your agent? 3 A. Yes. 4 MR. BEAUMONT: Objection, legal conclusion. 5 BY MR. KIMREY: 6 Q. Are they the only two lawyers you've worked 7 with in investigating and prosecuting your case? 8 MR. BEAUMONT: Objection, legal -- objection. 9 BY THE WITNESS: 10 A. I believe so. 11 BY MR. KIMREY: 12 Q. Have you talked to any other lawyers beyond 13 Mr. Costales and Mr. Beaumont related to your case? 14 A. No. 15 Q. Let's turn to "How do I edit or remove a 16 personal listing" which should be after the privacy 17 policy. Maybe it's not. 18 So if you scroll forward, Michael, it should 19 be -- is that the end, Michael? There we go. Okay. 20 So do you see, Ms. Lukis, it says: "How do I 21 edit or remove a personal listing"? 22 A. Yes. 23 Q. And you see that this is at Whitepages 24 because you can see the, you know, website address at the</p>	<p style="text-align: right;">Page 252</p> <p>1 A. I don't know. 2 BY MR. KIMREY: 3 Q. I have it because it is publicly available. 4 Do you have any reason to dispute that all of the 5 information on this docket and all of the related 6 pleadings are publicly available? 7 MR. BEAUMONT: Object to form. 8 BY THE WITNESS: 9 A. I don't have any reason to doubt it's public 10 record. 11 BY MR. KIMREY: 12 Q. Would you object if Whitepages made available 13 any information from this docket? 14 A. Yes. 15 Q. Why is that? 16 A. Because it is profiting off of this 17 information, and it's being pulled from a website that 18 most people wouldn't even know to look for let alone 19 search. 20 Q. Do you think that your being sued in an 21 eviction case is newsworthy to some people, for instance, 22 future landlords? 23 MR. BEAUMONT: Object to form. 24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 251</p> <p>1 bottom? Do you see that? 2 A. Yes. 3 Q. Have you ever reviewed this -- these policies 4 related to removal of a listing? 5 A. I'm sorry. Could you repeat that? 6 Q. Have you ever removed -- have you ever 7 reviewed this information about removal of a profile? 8 A. No. 9 Q. Okay. Let's go to 12. That is folder 1.12. 10 Okay. This is a Cook County, Illinois docket, and it 11 appears to be an eviction case. One of the defendants is 12 Stephanie Lukis. Is that you, Ms. Lukis? 13 A. Yes. 14 Q. Were you a defendant in an eviction case in 15 which the plaintiff was Mega Properties? 16 A. Yes. 17 Q. Were you, in fact, evicted? 18 A. No. 19 Q. Was a judgment entered against you? 20 A. Yes. 21 Q. Do you know whether all of the information on 22 this docket is publicly available? 23 MR. BEAUMONT: Object to form. 24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 253</p> <p>1 A. I don't know. I would have to ask the 2 respective landlords. Since that happened I've never had 3 a landlord who had an issue or even looked it up. 4 BY MR. KIMREY: 5 Q. Would they have told you that they looked it 6 up? 7 MR. BEAUMONT: Object to form. 8 BY THE WITNESS: 9 A. I'm pretty sure they would have told me 10 because I wouldn't have been able to get an apartment 11 through them if I had -- if they knew I had an eviction 12 on my record. 13 BY MR. KIMREY: 14 Q. Okay. Let's go to the next item. It's 13. 15 So that's folder 1.13. Ms. Lukis, this is a publicly 16 available mortgage document that lists as the borrower 17 Joseph P. Lukis and David M. Lukis. 18 A. Dawn M. Lukis. 19 Q. Dawn M. Lukis. And who is Joseph Lukis? 20 A. My father-in-law. 21 Q. And Dawn M. Lukis is? 22 A. His wife. 23 Q. Okay. And the property is 18254 South 24 Springfield Avenue. Do you see that?</p>

<p style="text-align: right;">Page 254</p> <p>1 A. Yes.</p> <p>2 Q. In Homewood, Illinois?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what that property is?</p> <p>5 A. It's my father-in-law's house.</p> <p>6 Q. Okay. Did you ever have an ownership</p> <p>7 interest in that house?</p> <p>8 A. No.</p> <p>9 Q. Do you object to this information being</p> <p>10 publicly available?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I -- I don't have an opinion on whether or</p> <p>14 not his mortgage is publicly available.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Let's move onto 14. So that's folder 1.14.</p> <p>17 This is from the Secretary of State's website, Ms. Lukis,</p> <p>18 and it's the Corporate LLC Certificate of Good Standing</p> <p>19 for Evergreen Pest Management. And it lists you as a</p> <p>20 manager. Do you see that down towards the bottom?</p> <p>21 A. Not right now. It's zoomed in.</p> <p>22 Q. Could we zoom out?</p> <p>23 A. The agent information, yeah.</p> <p>24 Q. Well, down where it says manager Stephanie</p>	<p style="text-align: right;">Page 256</p> <p>1 A. It is helpful to try and get government</p> <p>2 contracts, but we never went after any government</p> <p>3 contracts or anything like that, so it was pretty much</p> <p>4 useless.</p> <p>5 Q. If you had, you know, I guess engaged in an</p> <p>6 RFP for a government contract, would you have</p> <p>7 characterized the business as a woman-owned business?</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. It doesn't really matter because I never</p> <p>11 tried to get an RFP.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Okay. Moving on, let's go to 2, so 2.15, the</p> <p>14 bankruptcy. So this is entered as Exhibit 15. These are</p> <p>15 records off the public docket in the U.S. Bankruptcy</p> <p>16 Court for the Eastern District of Virginia related to</p> <p>17 your bankruptcy, Ms. Lukis. Do you have any reason to</p> <p>18 dispute that?</p> <p>19 A. No.</p> <p>20 Q. Do you object to these documents being</p> <p>21 publicly available?</p> <p>22 A. Yes, because --</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 255</p> <p>1 Lukis?</p> <p>2 A. Yeah.</p> <p>3 Q. Did you participate in filing this</p> <p>4 information with the Secretary of State?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any objection to this information</p> <p>7 being publicly available?</p> <p>8 A. No, but, again, it's something that somebody</p> <p>9 would actually have to know to search for because they'd</p> <p>10 have to search for Evergreen Pest Management, and nobody</p> <p>11 even knows that the business ever existed except for a</p> <p>12 few clients.</p> <p>13 Q. Do you have a preference that this not be</p> <p>14 known by people?</p> <p>15 A. I'd rather it not be, but I can't control</p> <p>16 things that are on the Secretary of State's website.</p> <p>17 Q. Why would you rather it not be known?</p> <p>18 A. Because I don't see any reason for anybody to</p> <p>19 be looking for a business that dissolved in 2013.</p> <p>20 Q. Okay. Did the business receive any sort of</p> <p>21 benefits for being an allegedly woman-managed business?</p> <p>22 A. Nope.</p> <p>23 Q. What benefits were you hoping to receive in</p> <p>24 characterizing the business as a woman-managed business?</p>	<p style="text-align: right;">Page 257</p> <p>1 A. Yes, because it's -- after seven years</p> <p>2 bankruptcy falls off your record. The only way you can</p> <p>3 find it is through -- finding out about it through</p> <p>4 Whitepages and then searching the docket. After seven</p> <p>5 years it's no longer on your credit report or anywhere</p> <p>6 that is publicly available unless you go -- unless you</p> <p>7 know to go to the bankruptcy court and to search for it.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Did you approve of these filings?</p> <p>10 A. In 2005 I did.</p> <p>11 Q. Did you approve of appearing on the public</p> <p>12 docket all information that's in these files?</p> <p>13 A. In 2005 I did.</p> <p>14 Q. Did you put a time limit on your approval?</p> <p>15 A. By federal law bankruptcies fall off of your</p> <p>16 public record after seven years, so --</p> <p>17 Q. This docket is still in the public record.</p> <p>18 A. Yes, but it's not -- if somebody searches for</p> <p>19 me for bankruptcy, it doesn't show up on a credit report</p> <p>20 which is where it was for seven years. It's no longer on</p> <p>21 my credit report, so it's no longer considered an easy</p> <p>22 thing to find. Somebody would have to know to go to the</p> <p>23 bankruptcy court website in Virginia to look for this</p> <p>24 document. It's not something -- while it may be publicly</p>



<p style="text-align: right;">Page 258</p> <p>1 available for people to find, nobody's going to go  2 looking for it because nobody knows anymore that I filed  3 for bankruptcy. It is off of my credit reports and was  4 dropped off of my credit reports in 20 -- in 2012.  5 Q. Have you asked Whitepages to not provide  6 information related to your bankruptcy?  7 A. I've never contacted Whitepages.  8 MR. BEAUMONT: Object to form.  9 BY MR. KIMREY:  10 Q. What was the answer?  11 A. I've never contacted Whitepages.  12 Q. Are you aware that your bankruptcy records  13 are available via various other services on the web?  14 MR. BEAUMONT: Object to form.  15 BY THE WITNESS:  16 A. Yes. When I find the places where my  17 information is on those websites, I'm going to request  18 them all to remove it.  19 BY MR. KIMREY:  20 Q. Is everything accurate in Exhibit 15?  21 A. I have no idea.  22 MR. BEAUMONT: Object to form.  23 BY THE WITNESS:  24 A. I'd have to look at the entire document.</p>	<p style="text-align: right;">Page 260</p> <p>1 A. No.  2 BY MR. KIMREY:  3 Q. The third paragraph says: "That directory  4 information comes in two forms." Do you disagree with  5 that?  6 A. No.  7 Q. The fourth paragraph says: "First,  8 Whitepages provides free access to information related to  9 a searched name." Do you disagree with that?  10 MR. BEAUMONT: Objection, form and legal  11 conclusion.  12 BY THE WITNESS:  13 A. I don't --  14 MR. BEAUMONT: Object to speculation.  15 BY THE WITNESS:  16 A. I don't know. I guess.  17 BY MR. KIMREY:  18 Q. Okay. Then it says at paragraph 5: "For the  19 search term Stephanie M. Lukis as set forth in the  20 Complaint, free data types include name, age range, phone  21 number, current address, previous residential locations,  22 relatives and reference to the following additional data  23 types in the background report correlating with the name  24 searched available for a fee, 1, mobile phone and land</p>
<p style="text-align: right;">Page 259</p> <p>1  2 BY MR. KIMREY:  3 Q. Did you think that it was accurate when it  4 was filed?  5 A. Yes.  6 MR. BEAUMONT: Object to form.  7 BY MR. KIMREY:  8 Q. Do you think that -- Scratch that.  9 Let's go to folder 2.6, so we're skipping,  10 and this will be marked as Exhibit 16. This is -- this  11 was filed in your case, Ms. Lukis, and as you can see,  12 it's labeled "Whitepages, Inc.'s Local Rule 56.1  13 Statement of Undisputed Material Facts." The first  14 paragraph says: "Whitepages owns and operates the  15 website www.whitepages.com." Do you disagree with that?  16 A. No.  17 MR. BEAUMONT: Objection, legal conclusion.  18 BY MR. KIMREY:  19 Q. The second paragraph says: "Whitepages  20 provides and sells to the general public access to an  21 on-line directory of information about people." Do you  22 disagree with that?  23 MR. BEAUMONT: Objection, legal conclusion.  24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 261</p> <p>1 line numbers; 2, additional relatives; 3, criminal  2 history." There's a typo 3 which should be 4. "Full  3 address history," next "public records," next "criminal  4 reports," next "bankruptcy and foreclosure records," next  5 "property ownership information" and next "professional  6 license and permit records." Do you disagree with any of  7 that?  8 MR. BEAUMONT: Objection, speculation.  9 BY THE WITNESS:  10 A. I don't -- I don't know. I've never looked  11 at the -- the paid version of it.  12 BY MR. KIMREY:  13 Q. Okay.  14 A. I'm assuming this is correct because of all  15 the information that you have on me.  16 Q. Then it says at 6: "Second, Whitepages sells  17 background reports with information that correlates to  18 the searched name." Do you disagree with that?  19 MR. BEAUMONT: Objection, speculation.  20 BY MR. KIMREY:  21 Q. You can answer.  22 A. I guess.  23 Q. "The full background report correlating with  24 the search term Stephanie M. Lukis contained the</p>

<p style="text-align: right;">Page 262</p> <p>1 following data types: Name, age, date of birth, current  2 address, past address, statistics about the neighborhood  3 where Stephanie M. Lukis might reside, phone numbers,  4 family members and their ages, individuals with whom  5 Stephanie M. Lukis may be linked based on her potential  6 past and present addresses, individuals with whom  7 Stephanie M. Lukis may be linked by business or  8 transaction, bankruptcy records, legal judgments, legal  9 judgment records and traffic records." Do you disagree  10 with any of that?  11 MR. BEAUMONT: Objection, speculation,  12 compound.  13 BY THE WITNESS:  14 A. Since you've shown me that that's all the  15 information you have, I'm assuming that's correct.  16 BY MR. KIMREY:  17 Q. Okay. So going back to 5, do you object to  18 Whitepages having made available for free your name?  19 A. Yes.  20 Q. Do you object to -- well, I'll stop there.  21 Why?  22 A. Because, again, I am a private citizen not a  23 public -- not a public servant. I'm not a celebrity.  24 Q. Any other reason?</p>	<p style="text-align: right;">Page 264</p> <p>1 A. -- same reason. Same reason.  2 Q. Do you object to Whitepages having provided  3 relatives for free?  4 A. Yes, for the same reason.  5 Q. And then for a fee do you object to  6 Whitepages having provided mobile phone and land line  7 numbers?  8 A. Yes, for the same reason.  9 Q. Additional relatives?  10 A. Yes, for the same reason.  11 Q. Criminal history?  12 A. Yes, for the same reason.  13 Q. Full address history?  14 A. Yes, for the same reason.  15 Q. Public records?  16 A. Yes, for the same reason.  17 Q. Criminal records?  18 A. Yes, for the same reason.  19 Q. Bankruptcy and foreclosure records?  20 A. Yes, for the same reason.  21 Q. Property ownership information?  22 A. Yes, for the same reason.  23 Q. Professional license and permit records?  24 A. Yes, for the same reason.</p>
<p style="text-align: right;">Page 263</p> <p>1 A. That's a pretty big one is that I'm just a  2 private citizen.  3 Q. But any other reason?  4 A. No.  5 Q. Do you object to Whitepages having provided  6 for free your age range?  7 A. Yes.  8 Q. Same reason?  9 A. Yes.  10 Q. Do you object to Whitepages having provided  11 for free a phone number?  12 A. Yes.  13 Q. Same reason?  14 A. Same reason.  15 Q. Do you object to Whitepages having provided  16 for free a current address?  17 A. Yes, same reason.  18 Q. You object to it for the same reason;  19 correct?  20 A. Yes.  21 Q. Do you object to Whitepages having provided  22 for free previous residential locations?  23 A. Yes --  24 Q. Same reason?</p>	<p style="text-align: right;">Page 265</p> <p>1 Q. Okay. And then on the full background report  2 at 7, I assume you'd object to provision of the name for  3 the same reason; is that correct?  4 A. Yes.  5 Q. Same goes for age?  6 MR. BEAUMONT: I'd just like to note for the  7 record that we've been going here -- in 20 minutes we'll  8 be going for seven hours during this deposition. I need  9 to have some time for Redirect if I need some. When do  10 you anticipate --  11 MR. KIMREY: What's our running time, Kevin?  12 MR. BEAUMONT: What's that?  13 THE VIDEOGRAPHER: I'm unable to -- you know,  14 I need to go off record to do that.  15 MR. KIMREY: Okay. Let's go off record.  16 THE VIDEOGRAPHER: Going off the video record  17 at 4:38 p.m.  18 (WHEREUPON, a break was  19 taken.)  20 We are back on the record at 4:39 p.m.  21 You may proceed.  22 MR. KIMREY: Okay. I just want to correct  23 something that Mr. Beaumont just said. He said we've  24 been going for seven hours almost. We haven't -- Kevin,</p>

<p style="text-align: right;">Page 266</p> <p>1 our videographer, just told us that we've been going for 2 5 hours and 39 minutes. 3 MR. BEAUMONT: Well, I'd just like to say 4 though that this deposition started at 9:30 a.m. We took 5 a 30-minute lunch break and -- 6 MR. KIMREY: You want to take a break? 7 MR. BEAUMONT: No. So we've taken a -- so 8 we're -- we started at 9:30. 9 MR. KIMREY: Let's go off the record. 10 THE VIDEOGRAPHER: Okay. Going off the record 11 at 4:39 p.m. 12 (WHEREUPON, a break was 13 taken.) 14 We are back on the record at 4:32 p.m. 15 You may proceed. 16 BY MR. KIMREY: 17 Q. Okay. As to 7C, I think that's where we left 18 off at Page 2, do you object to provision of the date of 19 birth? 20 A. Yes. 21 Q. Same reason? 22 A. Same reason. 23 Q. Current address? 24 A. Yes, same reason.</p>	<p style="text-align: right;">Page 268</p> <p>1 its payable? 2 MR. BEAUMONT: Objection, form. 3 BY THE WITNESS: 4 A. Other than the fact that I am a private 5 citizen and my information shouldn't be available to the 6 general public, not that I can think of. 7 BY MR. KIMREY: 8 Q. Okay. At 8 it says: "The mobile phone 9 numbers associated with Stephanie M. Lukis are found at 10 numerous websites." Without talking about the websites 11 that are referred to at paragraph 9 of this declaration, 12 based on what I've shown you today, do you agree that 13 mobile phone numbers associated with you are found at 14 numerous websites in addition to Whitepages.com? 15 MR. BEAUMONT: Objection, form. 16 BY THE WITNESS: 17 A. Yes, I do -- I have an issue with my 18 information being on the -- any of those websites. 19 BY MR. KIMREY: 20 Q. But you agree it's available on other 21 websites than Whitepages.com? 22 MR. BEAUMONT: Objection to form. 23 BY THE WITNESS: 24 A. Now that you've told me, yes, I am aware.</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. Past addresses? 2 A. Yes, same reason. 3 Q. Statistics about the neighborhood? 4 A. Yes, same reason. 5 Q. Phone numbers? 6 A. Yes, same reason. 7 Q. Family members and their ages? 8 A. Yes, same reason. 9 Q. Individuals with whom you may be linked based 10 on essential past and present addresses? 11 A. Yes, same reason. 12 Q. Individuals with whom you may be linked by 13 business transaction? 14 A. Yes, same reason. 15 Q. Bankruptcy records? 16 A. Yes, same reason. 17 Q. Legal judgment records? 18 A. Yes, same reason. 19 Q. Traffic records? 20 A. Yes, same reason. 21 Q. Other than the reason you've articulated in 22 your testimony in this deposition do you have any other 23 reason to object to Whitepages having made the free 24 information available or the information available behind</p>	<p style="text-align: right;">Page 269</p> <p>1 Now that you've said something. I did not know those 2 websites exist before today. 3 BY MR. KIMREY: 4 Q. Okay. Let's turn to the exhibit that has the 5 slip sheet. It says "Sealed Exhibit A" in the same 6 exhibit. So just scroll forward, Michael. Okay. Zoom 7 in. 8 Okay. So this is the full background report, 9 Ms. Lukis, that we produced in the case. It was filed 10 under seal but this is the unsealed version so we can 11 read it in this deposition. Let's -- so as of the filing 12 of the case in June of 2019, was your address -- can we 13 zoom in on the address so we can see it at the top? Was 14 your address 816 West 34th Place, Apartment 2, Chicago, 15 Illinois, 60608? 16 A. No. 17 Q. Okay. So that information is actually 18 incorrect? 19 A. That is my previous address. 20 Q. When did you leave that address, roughly? 21 A. May of 2017, I believe. 22 Q. Okay. The first number that's listed, the 23 mobile number or the alleged mobile number, is (312) 24 459-0876. Do you see that?</p>

<p style="text-align: right;">Page 270</p> <p>1 A. Yes.</p> <p>2 Q. Is -- was that ever a number of yours? We've</p> <p>3 talked about so many numbers I can't remember from</p> <p>4 earlier in the deposition, so forgive me. Is that a</p> <p>5 number you ever held?</p> <p>6 A. That is my current cell phone number.</p> <p>7 Q. Okay. So that's the number you're upset</p> <p>8 about your mom having gotten; is that correct?</p> <p>9 A. Yep.</p> <p>10 MR. BEAUMONT: Form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. And that's available on the free version</p> <p>13 apparently.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Well, right now we're looking at the</p> <p>16 background report after you pay.</p> <p>17 A. Okay.</p> <p>18 Q. Well, we're actually looking at the full data</p> <p>19 set related to you at this point in time.</p> <p>20 So the second mobile number (773) 222-7378,</p> <p>21 was that a number held by you?</p> <p>22 A. That's not a mobile number. That's a Google</p> <p>23 Voice number.</p> <p>24 Q. Did you have a Google Voice account?</p>	<p style="text-align: right;">Page 272</p> <p>1 Well, go backwards. Is that your -- was that your</p> <p>2 residence?</p> <p>3 A. The building on the right was.</p> <p>4 Q. Okay. But it wasn't your residence as of the</p> <p>5 filing of the case?</p> <p>6 A. No.</p> <p>7 Q. Okay. So let's scroll down more. Yeah,</p> <p>8 right there, those numbers. Okay. We talked about --</p> <p>9 well, wait. So (312) 459-0876 is a typo; is that right?</p> <p>10 A. That's my current cell phone number.</p> <p>11 Q. Okay. And that's the number we just looked</p> <p>12 at. All right.</p> <p>13 Do you ever share that number with anybody?</p> <p>14 MR. BEAUMONT: Objection, form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Not really. Only very close friends.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. How many people do you think you've shared</p> <p>19 that number with?</p> <p>20 MR. BEAUMONT: Objection, form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't know. Maybe 15.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Do you have any other number right now?</p>
<p style="text-align: right;">Page 271</p> <p>1 A. Yes.</p> <p>2 Q. Do you still have a Google Voice account?</p> <p>3 A. Nope.</p> <p>4 Q. When did you use cease having a Google Voice</p> <p>5 account?</p> <p>6 A. That would be January of 2013. That was the</p> <p>7 phone number to be used for Evergreen Pest.</p> <p>8 Q. Oh, so that was the business number for</p> <p>9 Evergreen?</p> <p>10 A. Yes.</p> <p>11 Q. And would Evergreen share that with people</p> <p>12 with whom Evergreen was doing business?</p> <p>13 A. It was the number any of our clients</p> <p>14 contacted us at.</p> <p>15 Q. Did Evergreen have business cards?</p> <p>16 A. Nope.</p> <p>17 Q. Okay. And then the next number is (773)</p> <p>18 957-6403. Do you see that?</p> <p>19 A. Yeah.</p> <p>20 Q. Is that a number that you are familiar with?</p> <p>21 A. I don't think so.</p> <p>22 Q. Let's scroll down. Let's go -- it's hard to</p> <p>23 see. There's another listing of numbers -- of telephone</p> <p>24 numbers about four or five pages in. Yeah, keep going.</p>	<p style="text-align: right;">Page 273</p> <p>1 A. House phone number, but nobody knows it.</p> <p>2 It's just for emergency purposes.</p> <p>3 Q. Okay. So your primary phone number is this</p> <p>4 mobile phone number (312) 459-0876; correct?</p> <p>5 A. Yes.</p> <p>6 Q. If businesses need to get in contact with</p> <p>7 you, is that the number you give to them?</p> <p>8 A. I normally don't give out my phone number to</p> <p>9 random businesses.</p> <p>10 Q. Well, have you given your phone number to</p> <p>11 your medical providers?</p> <p>12 A. My doctors, yes.</p> <p>13 Q. Have you given your phone number to, you</p> <p>14 know, restaurants you order delivery from?</p> <p>15 A. Nope.</p> <p>16 Q. Is your phone number on the do not call list?</p> <p>17 A. Yes.</p> <p>18 Q. Do you text with that phone number?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. To my husband and to my mother-in-law.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Have you looked in your text history to see</p> <p>24 to what degree you shared that number by virtue of</p>

<p style="text-align: right;">Page 274</p> <p>1 texting people?</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Again, I only really text with my</p> <p>5 mother-in-law and my husband.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. But did you look at your text history in</p> <p>8 response to Whitepages' discovery in this case to see --</p> <p>9 A. No.</p> <p>10 Q. -- to what degree you shared this cell phone</p> <p>11 number with others?</p> <p>12 A. No. I don't give out my cell phone number.</p> <p>13 Q. But you text with it; right?</p> <p>14 A. Yes. Again, only to my husband and my</p> <p>15 mother-in-law.</p> <p>16 Q. And absolutely no one else, you're 100</p> <p>17 percent confident?</p> <p>18 MR. BEAUMONT: Objection, this calls for</p> <p>19 speculation.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. You have your phone in front of you; right?</p> <p>22 A. Yes, and I'm not looking into my phone to be</p> <p>23 able to look to see if I texted anybody else. I get spam</p> <p>24 calls all the time. I get spam texts all the time from</p>	<p style="text-align: right;">Page 276</p> <p>1 A. My current mobile phone number is there. I</p> <p>2 would assume so.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. But do you know? If you don't know, you can</p> <p>5 say I don't know.</p> <p>6 A. When she told me that she got my phone number</p> <p>7 from Whitepages and Instant CheckMate, yes, I would</p> <p>8 assume this is where she got my phone number.</p> <p>9 Q. You'd assume that but you don't know;</p> <p>10 correct?</p> <p>11 A. She informed me that she -- that's where she</p> <p>12 got it.</p> <p>13 Q. But you -- you never saw the background</p> <p>14 report she obtained; right?</p> <p>15 A. No.</p> <p>16 Q. So you agree with me you never saw the</p> <p>17 background report?</p> <p>18 A. I've never seen the background report, but I</p> <p>19 was told by her this is where she got my number.</p> <p>20 MR. BEAUMONT: For the record, this is I</p> <p>21 believe the third or fourth time that you've asked this</p> <p>22 question and Ms. Lukis has provided a response.</p> <p>23</p> <p>24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 275</p> <p>1 random people, and apparently the person who had my phone</p> <p>2 number before me was Chinese, so I get tons of text</p> <p>3 messages and phone calls in Chinese. I don't speak</p> <p>4 Chinese.</p> <p>5 Q. Yeah, I'm talking about texts that you would</p> <p>6 have sent out.</p> <p>7 A. I text my mother-in-law and my husband.</p> <p>8 Q. So then you haven't texted anybody else with</p> <p>9 (312) 459-0876 --</p> <p>10 MR. BEAUMONT: Objection. That</p> <p>11 mischaracterizes testimony.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. -- is that right?</p> <p>14 A. I've already said multiple times no.</p> <p>15 Q. Do you recognize this (703) 313-1364 number?</p> <p>16 A. Nope.</p> <p>17 Q. Do you recognize the (773) 801-0023 number?</p> <p>18 A. That was my Comcast land line when I lived at</p> <p>19 816.</p> <p>20 Q. Do you -- do you know whether this</p> <p>21 information is the information your mom obtained from</p> <p>22 Whitepages?</p> <p>23 MR. BEAUMONT: Objection.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 277</p> <p>1 Q. Let's go to 8, and that would be 2, sub 8</p> <p>2 which will now be marked as Exhibit 17. Have you ever</p> <p>3 seen this document before, Ms. Lukis?</p> <p>4 A. That the one that has 130 questions? It</p> <p>5 looks familiar, yes.</p> <p>6 Q. Did you review this before it was filed?</p> <p>7 A. No, I did not.</p> <p>8 MR. BEAUMONT: Objection, form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. You said no, you didn't?</p> <p>11 A. No. I received a copy of it after it was</p> <p>12 filed, I believe.</p> <p>13 Q. Okay. Let's move to 2, sub 9 which will be</p> <p>14 marked as 18. As you can see, Ms. Lukis, this first</p> <p>15 document, and this is a combo exhibit that includes the</p> <p>16 Request for Admission Responses, the Interrogatory</p> <p>17 Responses and the Document Request Responses. The</p> <p>18 document on the top is labeled "Stephanie Lukis'</p> <p>19 Responses to Defendant's First Set of Request for</p> <p>20 Admission." Do you see that?</p> <p>21 A. I see that.</p> <p>22 Q. Okay. Did you review and provide info on</p> <p>23 these before they were shared with us?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 278</p> <p>1 MR. BEAUMONT: For the record, I was just  2 going to say this has already been asked and answered.  3 BY MR. KIMREY:  4 Q. So at response 1 it says at the second  5 sentence: "This request is further irrelevant because  6 Defendant admits that it did not obtain Plaintiff's  7 written consent to use her identity in an advertisement."  8 Do you see that?  9 A. Yes.  10 Q. How did the Defendant Whitepages admit that?  11 MR. BEAUMONT: Objection. This calls for a  12 legal conclusion. Object to the form of the question.  13 The witness can answer if she knows.  14 BY THE WITNESS:  15 A. I don't know how to answer that question.  16 BY MR. KIMREY:  17 Q. Do you have an answer?  18 MR. BEAUMONT: Objection, speculation. The  19 witness can answer if she knows.  20 BY THE WITNESS:  21 A. I don't have an answer for that question  22 because I -- I don't know -- I can't -- I can't figure  23 out what you're trying to ask.  24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 280</p> <p>1 consent. How did Whitepages admit that?  2 MR. BEAUMONT: Objection, legal conclusion.  3 BY THE WITNESS:  4 A. I'm not a lawyer. I don't know how to  5 explain legalese.  6 BY MR. KIMREY:  7 Q. Do you understand what the word admit means?  8 A. Yes, but, again, I -- I don't know how to  9 explain that -- I'm not sure what you're looking for me  10 to say about you guys admitting that I -- you didn't get  11 permission from me. I don't know how -- I don't know  12 what you want me to say, so I'm -- I can't answer the  13 question when I don't know what you want me to say.  14 Q. I just want to know what your basis is for  15 asserting in request to admit response number 1 that  16 Whitepages admitted allegedly that it didn't obtain  17 written consent.  18 MR. BEAUMONT: Objection, legal conclusion.  19 BY THE WITNESS:  20 A. Again, I'm not a lawyer. I -- I did not  21 write out that specific sentence, so I don't know -- I  22 can't tell you how that would -- what that -- again,  23 you're trying to get me to tell you something about a  24 legal sentence in a court document. I'm not a lawyer. I</p>
<p style="text-align: right;">Page 279</p> <p>1 Q. I'm asking what is your basis for asserting  2 that Whitepages admits that it did not obtain Plaintiff's  3 written consent to use her identity in advertisement.  4 MR. BEAUMONT: Objection, legal conclusion.  5 The witness can answer if she knows.  6 BY THE WITNESS:  7 A. I never gave -- anybody can -- I never gave a  8 website, Whitepages or otherwise, permission to use my  9 name for somebody who asked for it.  10 BY MR. KIMREY:  11 Q. Yeah, but that's not responsive to my  12 question. My question is how did Whitepages admit that  13 it did not obtain Plaintiff's written consent to use her  14 identity in an advertisement.  15 MR. BEAUMONT: Objection, calls for a legal  16 conclusion. The witness can answer if she knows.  17 BY THE WITNESS:  18 A. I'm not a lawyer. I don't understand what  19 you're looking for. I don't understand what -- how it's  20 relevant to admitting that you didn't obtain my  21 permission.  22 BY MR. KIMREY:  23 Q. Your request to admit response says that  24 Whitepages admitted that it didn't get your written</p>	<p style="text-align: right;">Page 281</p> <p>1 don't know how to answer that question.  2 BY MR. KIMREY:  3 Q. Do you need to be a lawyer to understand what  4 the word admit means?  5 A. I need to be a --  6 MR. BEAUMONT: Form.  7 BY THE WITNESS:  8 A. I would need to be a lawyer to understand why  9 it is irrelevant that you did not obtain my -- the  10 Plaintiff's written consent to use my identity in an  11 advertisement. I don't know how -- you're -- again,  12 you're asking the same question over and over. I'm not a  13 lawyer. I don't know how to explain legal sen --  14 legal -- how the legal construct of this sentence -- how  15 I'm supposed to explain the legal construct of this  16 sentence. I'm not a lawyer. I don't understand how the  17 admitting that it did not -- that -- trying to get me to  18 say anything about that when I'm not a lawyer and I  19 didn't write this statement. I just said that I don't --  20 you didn't have permission to use my identity.  21 BY MR. KIMREY:  22 Q. Let's go to request number 43, request 43.  23 THE WITNESS: 7 1/2.  24 BY MR. KIMREY:</p>



<p style="text-align: right;">Page 282</p> <p>1 Q. Do you see this request says: "Admit that</p> <p>2 you gave your consent to a person or corporate entity to</p> <p>3 share your name with others"? Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And then at the end of the response on Page</p> <p>6 18 it says: "Plaintiff admits that she has given written</p> <p>7 consent to specific third parties to share her name on a</p> <p>8 limited basis with others." Are you able to identify who</p> <p>9 those third parties are?</p> <p>10 A. No, because you're asking me a general</p> <p>11 question about anybody I gave my phone number to. I've</p> <p>12 never given written consent for anybody to share my name</p> <p>13 or information with anybody. I -- every time something</p> <p>14 comes up where I have to sign up for it I purposefully</p> <p>15 set it up that I make my information private and I don't</p> <p>16 get -- I don't give it out to anybody.</p> <p>17 Q. But the response says that you admit that you</p> <p>18 have given written consent to specific third parties to</p> <p>19 share your name on a limited basis with others.</p> <p>20 A. The only thing I can -- the only thing I can</p> <p>21 think of, that is like Facebook having -- because</p> <p>22 Facebook gives -- does whatever. I can only think like</p> <p>23 Facebook and Google, but I don't just randomly give third</p> <p>24 parties consent to have my name. Facebook and Google</p>	<p style="text-align: right;">Page 284</p> <p>1 obtain is insufficient to enable her to admit or deny</p> <p>2 because Plaintiff does not recall giving written consent</p> <p>3 to anyone to share her current address with others."</p> <p>4 What investigation did you conduct to determine whether</p> <p>5 you've given written consent to anyone to share your</p> <p>6 current address?</p> <p>7 A. I -- I have looked up my -- my name and my</p> <p>8 address on Google, and nobody's got it. Nobody except</p> <p>9 you guys have -- I've never found my name or address</p> <p>10 anywhere but it's -- I can't guarantee that -- that</p> <p>11 there's not a website out there other than you guys.</p> <p>12 Well, actually, that is -- you guys are the ones that</p> <p>13 have all of that information.</p> <p>14 Q. Did you do anything else to determine whether</p> <p>15 you've given written consent to anyone to share your</p> <p>16 current address with others?</p> <p>17 A. Could you repeat that? I'm -- I'm getting</p> <p>18 tired.</p> <p>19 Q. Did you do anything else beyond what you just</p> <p>20 testified to to determine whether you've given written</p> <p>21 consent to anyone to share your current address with</p> <p>22 others?</p> <p>23 A. I don't know.</p> <p>24 Q. Did you look for e-mails to see whether you</p>
<p style="text-align: right;">Page 283</p> <p>1 have my phone number in it, but I don't hand out my phone</p> <p>2 number willy nilly.</p> <p>3 Q. Request 44 says: "Admit that you gave your</p> <p>4 consent to a person or corporate entity to share your</p> <p>5 date of birth with others," and then if you look at the</p> <p>6 last sentence of the response, it says that you "Admit</p> <p>7 that you have given written consent to specific third</p> <p>8 parties to share your date of birth on a limited basis</p> <p>9 with others." Do you know who those others are?</p> <p>10 A. I've given my name and date of birth to</p> <p>11 employers in order for them to -- in case -- when they</p> <p>12 need to run background checks, and only very few</p> <p>13 employers have ever asked for that information. Amazon</p> <p>14 asked for my name and date of birth to run a background</p> <p>15 check.</p> <p>16 Q. Anybody else?</p> <p>17 A. Not for the past ten years. I've been</p> <p>18 unemployed. I can't think of anybody else I might have</p> <p>19 given my information to.</p> <p>20 Q. 45 says: "Admit that you gave your consent</p> <p>21 to a person or corporate entity to share your current</p> <p>22 address with others." And then the last sentence of the</p> <p>23 response at 19 says: "Plaintiff has made a reasonable</p> <p>24 inquiry, and the information she knows or can reasonably</p>	<p style="text-align: right;">Page 285</p> <p>1 had done that?</p> <p>2 A. I don't give out my current address via</p> <p>3 e-mail. I don't -- there's very few places where I've</p> <p>4 ever typed in my current address.</p> <p>5 Q. So --</p> <p>6 MR. BEAUMONT: So Plaintiff has indicated that</p> <p>7 she's tired, and so is there -- is there a break -- I</p> <p>8 think that we -- I think we should take a five-minute</p> <p>9 break and come back in five minutes and resume.</p> <p>10 THE WITNESS: Honestly, it's -- it's -- not on</p> <p>11 the record it's been 7 1/2 hours, and I'm getting</p> <p>12 exhausted at repeating myself constantly three and four</p> <p>13 times when you ask me the same question. It's really</p> <p>14 starting to get tiring that you constantly ask the same</p> <p>15 question over and over and over.</p> <p>16 MR. BEAUMONT: Let's take a five-minute break.</p> <p>17 MR. KIMREY: So you are the class</p> <p>18 representative in this case, Ms. Lukis. I'm entitled</p> <p>19 under the default federal rule time limitation to take</p> <p>20 testimony from you for seven hours on the record.</p> <p>21 Your counsel has extended that time period</p> <p>22 by not producing a single document in this case until</p> <p>23 yesterday giving me an inadequate amount of time to</p> <p>24 review those documents. If you don't want to comply with</p>

<p style="text-align: right;">Page 286</p> <p>1 the rules and sit for this deposition that's completely  2 consistent with the Federal Rules of Civil Procedure, you  3 may not want to serve as a class representative in this  4 case.  5 THE WITNESS: No, I --  6 MR. KIMREY: You asked me to take a break.  7 Let's take a break.  8 THE VIDEOGRAPHER: Going off the video record  9 at 5:08 p.m.  10 (WHEREUPON, a break was  11 taken.)  12 We are back on the record at 5:31 p.m.  13 You may proceed.  14 MR. COSTALES: Great, thanks. This is Roberto  15 Costales, Plaintiff's counsel.  16 Blaine, I wanted to get this conversation  17 on the record in the event that a court ends up looking  18 at it.  19 We began at 9:30 today. I know we took  20 breaks. It's now 5:30 Central. Are you prepared to  21 continue deposing Ms. Lukis until -- how long are you  22 willing to go today?  23 MR. KIMREY: I had intended to ask her --  24 MR. COSTALES: Yeah.</p>	<p style="text-align: right;">Page 288</p> <p>1 questions on them today? Are you prepared to ask  2 questions on them today?  3 MR. KIMREY: Not -- I'm going to start dipping  4 my toe into them, but there's no way I've had enough time  5 to be able to process these documents. I mean right now  6 I'm looking at from that production potential number of  7 exhibits that I have not reviewed of 1, 2 like -- it's  8 like 35 exhibits.  9 MR. COSTALES: Are you available next Tuesday?  10 Are you available next Tuesday?  11 MR. KIMREY: I don't know. Do you want to do  12 this on the record? Is there any --  13 MR. COSTALES: We're on the record right now.  14 MR. KIMREY: Yeah, I know, but I'm saying do  15 you want to go off the record because now I'm checking my  16 calendar.  17 MR. COSTALES: That's fine.  18 MR. KIMREY: So next Tuesday we have set for I  19 believe Laura Murkin. Well, no. No. No, I'm not. I'm  20 in a prep session on Tuesday.  21 If we're going to talk about calendaring,  22 let's do it off the record because it sounds to me like  23 you --  24 (Zoom interruption.)</p>
<p style="text-align: right;">Page 287</p> <p>1 MR. KIMREY: I intended to ask her many more  2 questions related to the RFAs, the interrogatories and  3 the document request, but I also know that we have a  4 running time right now I think of 606 and maybe a little  5 bit of change.  6 MR. COSTALES: Right.  7 MR. KIMREY: So because of the late production  8 last night, I'm going to jump over my prior preparation  9 that I had done before the production and start trying to  10 dip my toes in the production. And I'm anticipating  11 you're going to start objecting as we approach seven.  12 It would be nice if we could get an  13 agreement about dealing with these documents. I mean  14 there are -- they're produced in a weird fashion. Many  15 of them are messed up or corrupt. There are giant  16 redactions in a couple of them, and I don't know whether  17 that's intentional or on purpose. They were produced in  18 multiple folders and subfolders and not in native format  19 so that they've been very challenging for us to  20 assimilate, and even if they weren't voluminous and  21 organized in a weird fashion, it's not fair to produce  22 the first documents in the case to us less than 24 hours  23 before Ms. Lukis' deposition.  24 MR. COSTALES: Are you prepared to ask</p>	<p style="text-align: right;">Page 289</p> <p>1 -- based on the additional production.  2 MR. COSTALES: Well, yeah. What I'm going to  3 say is we're going to propose you do it next Tuesday  4 because we're not going to give you the additional hour  5 outside of court order because this deposition has gone  6 on way too long. We don't believe you're entitled to  7 more than an hour. So our thought was you come and you  8 can take her deposition next Tuesday and have the benefit  9 of the additional week to review these documents.  10 MR. KIMREY: No, I'm going to continue going  11 right now. I want to get into these additional  12 documents. I'm not going to show up for another session  13 of her deposition for an hour especially when you  14 produced 2500 documents, 2500 pages of documents right  15 before her deposition.  16 MR. COSTALES: So you're not willing to  17 entertain that compromise?  18 MR. KIMREY: That's not a compromise. That's  19 a complete -- yeah, that's not a compromise.  20 MR. COSTALES: Okay. However you want to  21 characterize it. You're not willing to accept that  22 offer?  23 MR. KIMREY: Let's go off the record. You're  24 burning up my time. You're wasting my time.</p>

<p style="text-align: right;">Page 290</p> <p>1 MR. COSTALES: I just want to confirm you're</p> <p>2 not interested in that offer?</p> <p>3 MR. KIMREY: I don't even know why I'm talking</p> <p>4 to you and not Mr. Beaumont because Mr. Beaumont is</p> <p>5 defending the deposition but the objections --</p> <p>6 MR. COSTALES: Wait. Are you interested in</p> <p>7 that offer or not?</p> <p>8 MR. KIMREY: -- are ridiculous and</p> <p>9 ill-founded, and this deposition has taken --</p> <p>10 (Zoom interruption.)</p> <p>11 -- because of the way you've behaved, Mr.</p> <p>12 Beaumont has behaved in the deposition.</p> <p>13 MR. COSTALES: Are you interested in the</p> <p>14 offer, Blaine, or not in coming back next week?</p> <p>15 MR. KIMREY: No. No. I'm only interested in</p> <p>16 coming back another day if you stipulate to more time in</p> <p>17 light of the fact that you produced for the first time</p> <p>18 2500 pages in documents before the --</p> <p>19 MR. COSTALES: We're offering you an hour next</p> <p>20 week to do that. We're offering you an hour next week to</p> <p>21 do that. You don't want to do that. Great.</p> <p>22 Let's continue with the deposition.</p> <p>23 MR. KIMREY: An hour in addition to seven?</p> <p>24 MR. COSTALES: Is that -- are you proposing</p>	<p style="text-align: right;">Page 292</p> <p>1 up with a solution. Maybe you can think about it longer</p> <p>2 because you're not defending this deposition and then we</p> <p>3 can go off the record and discuss an appropriate</p> <p>4 solution.</p> <p>5 MR. COSTALES: No. This needs to be on the</p> <p>6 record. I have offered --</p> <p>7 MR. KIMREY: It's my deposition. Let's move</p> <p>8 on. We're introducing the next exhibit.</p> <p>9 MR. COSTALES: No. I want to confirm your</p> <p>10 position. So you're saying that an additional hour for a</p> <p>11 total of eight hours, you're not interested in that</p> <p>12 either?</p> <p>13 MR. KIMREY: I'm not having this discussion on</p> <p>14 the record. If you keep going, we're going off the</p> <p>15 record.</p> <p>16 MR. COSTALES: You're not interested in that?</p> <p>17 MR. KIMREY: Off the record. Let's go.</p> <p>18 THE VIDEOGRAPHER: Going off the record at</p> <p>19 5:38 p.m.</p> <p>20 (WHEREUPON, a break was</p> <p>21 taken.)</p> <p>22 We are back on the record at 5:53 p.m.</p> <p>23 You may proceed.</p> <p>24 MR. KIMREY: Off the record Mr. Costales and I</p>
<p style="text-align: right;">Page 291</p> <p>1 that next Tuesday?</p> <p>2 MR. KIMREY: I don't understand what you're</p> <p>3 saying. Are you proposing that we go for seven hours</p> <p>4 here and then that you give me another -- you agree to</p> <p>5 another hour at some later date in the near future for a</p> <p>6 total of eight hours? Is that what you're suggesting?</p> <p>7 MR. COSTALES: I can -- I can -- no. I was</p> <p>8 suggesting giving you a flat seven. Stopping now and</p> <p>9 giving you an additional hour next week but if you're</p> <p>10 counter-proposing --</p> <p>11 MR. KIMREY: It's not an additional hour. I</p> <p>12 get the hour. Okay. Let's move on.</p> <p>13 MR. COSTALES: Don't raise your -- don't</p> <p>14 raise -- do not raise your voice but if you're --</p> <p>15 MR. KIMREY: You're raising your voice. Are</p> <p>16 you kidding me?</p> <p>17 MR. COSTALES: If you're proposing now a total</p> <p>18 of eight hours, I can discuss that with my client. Is</p> <p>19 that what you're proposing?</p> <p>20 MR. KIMREY: No, I'm not proposing it. I</p> <p>21 don't understand what you're talking about. You're</p> <p>22 wasting my time in this deposition.</p> <p>23 MR. COSTALES: Okay.</p> <p>24 MR. KIMREY: Let's move on. You haven't come</p>	<p style="text-align: right;">Page 293</p> <p>1 have reached a compromise about how to proceed, and the</p> <p>2 elements of the compromise as I understand them are as</p> <p>3 follows. We are going to conclude for tonight Ms. Lukis'</p> <p>4 deposition. Now it's not over. We're just suspending it</p> <p>5 and keeping it open, and we will resume the deposition at</p> <p>6 9:30 a.m. Central on January 13th, and we have agreed</p> <p>7 that that session will be limited to an additional three</p> <p>8 hours on the record. This agreement is without prejudice</p> <p>9 to any motion to compel we may file, and it is contingent</p> <p>10 on the additional agreement that we will stipulate to an</p> <p>11 extension of our deadline to oppose amendment from</p> <p>12 January 13th to January 22nd and stipulate to extension</p> <p>13 of our deadline to reply in support of arbitrability and</p> <p>14 class waiver from January 20th to January 29th.</p> <p>15 I think some of the reasons for doing this</p> <p>16 include, number one, it's late. Ms. Lukis is not a</p> <p>17 professional deposition giver, and she needed to take a</p> <p>18 break which is fine. We got a big document production,</p> <p>19 the first document production in the case by Ms. Lukis</p> <p>20 last night. We haven't had a chance to fully review it.</p> <p>21 And, again, it's subject to the stipulated extensions on</p> <p>22 the briefing and, you know, without waiver of any motion</p> <p>23 to compel we might file related to what we might view to</p> <p>24 be inadequate discovery responses including but not</p>

<p style="text-align: right;">Page 294</p> <p>1 limited to inadequate document production.</p> <p>2 Mr. Costales, did I get that right?</p> <p>3 MR. COSTALES: Yeah, you got it right.</p> <p>4 Also it's our understanding that the</p> <p>5 deposition dates for the -- for our -- that we have for</p> <p>6 the defense witnesses are not going to change in January</p> <p>7 as a result of this agreement.</p> <p>8 MR. KIMREY: That's correct. My intent is to</p> <p>9 present --</p> <p>10 MR. COSTALES: Okay.</p> <p>11 MR. KIMREY: -- the witnesses we've agreed to</p> <p>12 in January on the previously agreed to dates.</p> <p>13 MR. COSTALES: Great. And then we'll discuss</p> <p>14 at another time extending the discovery on this case. I</p> <p>15 think we have a status due at the end of the month</p> <p>16 anyway.</p> <p>17 MR. KIMREY: Yeah, and I'm not taking a</p> <p>18 position on that right now. I acknowledge that you want</p> <p>19 to do that, but I'm not prepared to address, you know,</p> <p>20 what position we'll take on that.</p> <p>21 MR. COSTALES: Sure. Sure. Okay.</p> <p>22 MR. KIMREY: And -- yeah, so we're just</p> <p>23 holding it open.</p> <p>24 Thank you for your time, Ms. Lukis. We'll</p>	<p style="text-align: right;">Page 296</p> <p>1 SIGNATURE:</p> <p>2 It was agreed by and between counsel and the parties that</p> <p>3 the Deponent will read and sign the transcript of said</p> <p>4 deposition.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 295</p> <p>1 see you again at 9:30 a.m. Central on January 13th.</p> <p>2 We probably need to paper the briefing</p> <p>3 extensions with the court, Mr. Costales, so we'll prepare</p> <p>4 a stip for your consideration and likely get that on file</p> <p>5 after you approve it tomorrow. Does that work for you?</p> <p>6 MR. COSTALES: Works for me. I'll be looking</p> <p>7 for it.</p> <p>8 MR. KIMREY: Okay. Anything else, anybody</p> <p>9 else?</p> <p>10 (No response.)</p> <p>11 MR. COSTALES: Great. Thank you all.</p> <p>12 THE VIDEOGRAPHER: Okay. We are going off the</p> <p>13 video record at 5:57 p.m.</p> <p>14 That concludes today's testimony.</p> <p>15 Master media will be retained by Veritext</p> <p>16 Legal Solutions.</p> <p>17 Thank you, all. Have a good evening.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 297</p> <p>1 STATE OF ILLINOIS)</p> <p>2 ) SS:</p> <p>3 COUNTY OF C O O K)</p> <p>4 I, KELLY A. BRICHETTO, a Certified Shorthand</p> <p>5 Reporter of said state, do hereby certify</p> <p>6 that the within named witness, STEPHANIE LUKIS, was by me</p> <p>7 first duly sworn to testify the truth, the whole truth</p> <p>8 and nothing but the truth in the cause aforesaid; that</p> <p>9 the testimony then given by the above-referenced witness</p> <p>10 was by me reduced to stenotype in the presence of said</p> <p>11 witness; afterwards transcribed, and that the foregoing</p> <p>12 is a true and correct transcription of the testimony so</p> <p>13 given by the above-referenced witness.</p> <p>14 I do further certify that this deposition was</p> <p>15 taken at the time and place in the foregoing caption</p> <p>16 specified and was completed without adjournment.</p> <p>17 I do further certify that I am not a relative,</p> <p>18 counsel or attorney for either party or otherwise</p> <p>19 interested in the event of this action.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

75 (Pages 294 - 297)

<p style="text-align: right;">Page 298</p> <p>1 IN WITNESS WHEREOF, I do hereunto set my hand</p> <p>2 this 8th day of January, 2021.</p> <p>3</p> <p>4</p> <p>5</p> <p style="text-align: center;"><i>Kelly Brichetto</i></p> <p>6</p> <p>7 KELLY A. BRICHETTO</p> <p>8 CSR License No. 84-3252</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 300</p> <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3 ASSIGNMENT REFERENCE NO: 4390026</p> <p>4 CASE NAME: Lukis, Stephanie v. Whitepages, Inc.</p> <p>5 DATE OF DEPOSITION: 1/5/2021</p> <p>6 WITNESS' NAME: Stephanie Lukis</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me.</p> <p>10 I have made no changes to the testimony</p> <p>11 as transcribed by the court reporter.</p> <p>12</p> <p>13 Date Stephanie Lukis</p> <p>14 Sworn to and subscribed before me, a</p> <p>15 Notary Public in and for the State and County,</p> <p>16 the referenced witness did personally appear</p> <p>17 and acknowledge that:</p> <p>18 They have read the transcript;</p> <p>19 They signed the foregoing Sworn</p> <p>20 Statement; and</p> <p>21 Their execution of this Statement is of</p> <p>22 their free act and deed.</p> <p>23</p> <p>24 I have affixed my name and official seal</p> <p>25 this _____ day of _____, 20____.</p> <p>Notary Public</p> <p>Commission Expiration Date</p>
<p style="text-align: right;">Page 299</p> <p>1 Veritext Legal Solutions</p> <p>2 1100 Superior Ave</p> <p>3 Suite 1820</p> <p>4 Cleveland, Ohio 44114</p> <p>5 Phone: 216-523-1313</p> <p>6 January 8, 2021</p> <p>7 To: Mr. Beaumont</p> <p>8 Case Name: Lukis, Stephanie v. Whitepages, Inc.</p> <p>9 Veritext Reference Number: 4390026</p> <p>10 Witness: Stephanie Lukis Deposition Date: 1/5/2021</p> <p>11 Dear Sir/Madam:</p> <p>12 Enclosed please find a deposition transcript. Please have the witness</p> <p>13 review the transcript and note any changes or corrections on the</p> <p>14 included errata sheet, indicating the page, line number, change, and</p> <p>15 the reason for the change. Have the witness' signature notarized and</p> <p>16 forward the completed page(s) back to us at the Production address</p> <p>17 shown</p> <p>18 above, or email to production-midwest@veritext.com.</p> <p>19 If the errata is not returned within thirty days of your receipt of</p> <p>20 this letter, the reading and signing will be deemed waived.</p> <p>21 Sincerely,</p> <p>22 Production Department</p> <p>23</p> <p>24 NO NOTARY REQUIRED IN CA</p>	<p style="text-align: right;">Page 301</p> <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3 ASSIGNMENT REFERENCE NO: 4390026</p> <p>4 CASE NAME: Lukis, Stephanie v. Whitepages, Inc.</p> <p>5 DATE OF DEPOSITION: 1/5/2021</p> <p>6 WITNESS' NAME: Stephanie Lukis</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me.</p> <p>10 I have listed my changes on the attached</p> <p>11 Errata Sheet, listing page and line numbers as</p> <p>12 well as the reason(s) for the change(s).</p> <p>13 I request that these changes be entered</p> <p>14 as part of the record of my testimony.</p> <p>15</p> <p>16 I have executed the Errata Sheet, as well</p> <p>17 as this Certificate, and request and authorize</p> <p>18 that both be appended to the transcript of my</p> <p>19 testimony and be incorporated therein.</p> <p>20</p> <p>21 Date Stephanie Lukis</p> <p>22 Sworn to and subscribed before me, a</p> <p>23 Notary Public in and for the State and County,</p> <p>24 the referenced witness did personally appear</p> <p>25 and acknowledge that:</p> <p>They have read the transcript;</p> <p>They have listed all of their corrections</p> <p>in the appended Errata Sheet;</p> <p>They signed the foregoing Sworn</p> <p>Statement; and</p> <p>Their execution of this Statement is of</p> <p>their free act and deed.</p> <p>I have affixed my name and official seal</p> <p>this _____ day of _____, 20____.</p> <p>Notary Public</p> <p>Commission Expiration Date</p>

<div style="text-align: right; margin-bottom: 10px;">Page 302</div> <div style="text-align: center;"> <p>1        ERRATA SHEET</p> <p>2        VERITEXT LEGAL SOLUTIONS MIDWEST</p> <p>3        ASSIGNMENT NO: 4390026</p> <p>4        PAGE/LINE(S) /    CHANGE    /REASON</p> </div> <div style="margin-top: 5px;"> <p>5        _____</p> <p>6        _____</p> <p>7        _____</p> <p>8        _____</p> <p>9        _____</p> <p>10       _____</p> <p>11       _____</p> <p>12       _____</p> <p>13       _____</p> <p>14       _____</p> <p>15       _____</p> <p>16       _____</p> <p>17       _____</p> <p>18       _____</p> <p>19       _____</p> </div> <div style="margin-top: 10px;"> <p>20       _____</p> <p>20       Date                Stephanie Lukis</p> <p>21       SUBSCRIBED AND SWORN TO BEFORE ME THIS _____</p> <p>22       DAY OF _____, 20____.</p> <p>23       _____</p> <p>24                Notary Public</p> <p>25       _____</p> <p>              Commission Expiration Date</p> </div>	



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[upset - voluminous]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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# **Exhibit B**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

STEPHANIE LUKIS, individually )  
and on behalf of all others )  
similarly situated, )  
Plaintiffs, )  
vs. ) No. 1:19-cv-04871  
WHITEPAGES, INC., )  
Defendant. )

The videotaped deposition of STEPHANIE LUKIS,  
called for examination, taken pursuant to the Federal  
Rules of Civil Procedure of the United States District  
Courts pertaining to the taking of depositions, taken  
before KELLY A. BRICHETTO, CSR No. 84-3252, Certified  
Shorthand Reporter of the State of Illinois, on the 13th  
day of January, 2021, at 9:30 a.m.

VOLUME II

REPORTED REMOTELY FROM CHICAGO, ILLINOIS

<p style="text-align: right;">Page 304</p> <p>1 REMOTE APPEARANCES:</p> <p>2</p> <p>3       On behalf of the Plaintiffs:</p> <p>4               BEAUMONT COSTALES, LLC, by</p> <p>5               MR. WILLIAM BEAUMONT</p> <p>6               107 West VanBuren Street</p> <p>7               Suite 209</p> <p>8               Chicago, Illinois 60605</p> <p>9               (773) 831-8000</p> <p>10              whb@beaumontcostales.com</p> <p>11</p> <p>12       On behalf of the Defendant:</p> <p>13              VEDDER PRICE, by</p> <p>14              MR. BLAINE C. KIMREY</p> <p>15              MR. JONATHON P. REINISCH</p> <p>16              222 North LaSalle Street</p> <p>17              Chicago, Illinois 60601</p> <p>18              (312) 609-7500</p> <p>19              bkimrey@vedderprice.com</p> <p>20              jreinisch@vedderprice.com</p> <p>21</p> <p>22       -----</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>	<p style="text-align: right;">Page 306</p> <p>1       INDEX OF EXHIBITS</p> <p>2       NUMBER       DESCRIPTION       IDENTIFIED</p> <p>3       Exhibit No. 18   2.9 pdf       308</p> <p>4       Exhibit No. 19   Reddit       317</p> <p>5       Exhibit No. 20   Credit Karma   379</p> <p>6       Exhibit No. 21   Craigslis   381</p> <p>7       Exhibit No. 22   Verification of</p> <p>8                      Interrogatories   386</p> <p>9       Exhibit No. 23   Cover e-mail</p> <p>10                     with interrogatories   386</p> <p>11       Exhibit No. 24   E-mail from Beaumont</p> <p>12                     to Kimrey   389</p> <p>13       Exhibit No. 25   E-mail from Beaumont</p> <p>14                     to Kimrey   410</p> <p>15       Exhibit No. 26   Bates 281-1113   412</p> <p>16       Exhibit No. 27   Facebook   414</p> <p>17       Exhibit No. 28   Facebook   423</p> <p>18       Exhibit No. 29   Facebook   425</p> <p>19       Exhibit No. 30   Facebook Bates 52-64   427</p> <p>20       Exhibit No. 31   Apps on Facebook   449</p> <p>21       Exhibit No. 32   Facebook Bates 1162   456</p> <p>22       Exhibit No. 33   Facebook post   459</p> <p>23       Exhibit No. 34   Recently viewed Facebook   469</p> <p>24       Exhibit No. 35   Recently viewed Facebook   470</p> <p>25       Exhibit No. 36   Instagram   471</p> <p>26       Exhibit No. 37   Bates 1114-1153   473</p> <p>27       Exhibit No. 38   Facebook photos   474</p> <p>28       Exhibit No. 39   Facebook videos   475</p> <p>29       Exhibit No. 40   Facebook posts   477</p> <p>30       Exhibit No. 41   Facebook profile info   487</p> <p>31       Exhibit No. 42   Facebook profile update   488</p> <p>32       Exhibit No. 43   Facebook account activity   492</p> <p>33       Exhibit No. 44   Facebook login   494</p> <p>34       Exhibit No. 45   Mobile devices   496</p> <p>35       Exhibit No. 46   Facebook login   497</p> <p>36       Exhibit No. 47   LinkedIn   497</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>
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<p style="text-align: right;">Page 308</p> <p>1 WHEREUPON:</p> <p>2           STEPHANIE LUKIS,</p> <p>3 called as a witness herein, having been first duly sworn,</p> <p>4 was examined and testified as follows:</p> <p>5           DIRECT EXAMINATION</p> <p>6           Continued</p> <p>7 BY MR. KIMREY:</p> <p>8     Q.   Good morning, Ms. Lukis. You understand that</p> <p>9 you're still under oath?</p> <p>10    A.   Yes.</p> <p>11    Q.   Have you taken any medications in the past 24</p> <p>12 to 48 hours that would inhibit your ability to give</p> <p>13 truthful testimony today?</p> <p>14    A.   No.</p> <p>15    Q.   Are you prepared to give truthful testimony</p> <p>16 today under potential penalty of perjury?</p> <p>17    A.   Yes.</p> <p>18    Q.   I'd like to refer you to what was previously</p> <p>19 marked in the first session of your deposition as Exhibit</p> <p>20 11. Please turn to what is Bates stamped 18,</p> <p>21 WHITEPAGES18 in the lower right-hand corner.</p> <p>22       MR. TOTH: Blaine, do you know how many pages</p> <p>23 that's in?</p> <p>24       MR. KIMREY: I don't know. I'd say maybe ten.</p>	<p style="text-align: right;">Page 310</p> <p>1 Terms and Conditions for Whitepages it says: "You will</p> <p>2 not use the services in a manner that may cause emotional</p> <p>3 or physical harm to anyone or to stalk, threaten, defame,</p> <p>4 libel or otherwise harass another person." Did I read</p> <p>5 that accurately?</p> <p>6     A.   Yes. Your microphone sounded weird.</p> <p>7     Q.   Can you hear me now?</p> <p>8     A.   Yes.</p> <p>9     Q.   You testified that your mom by signing up for</p> <p>10 Whitepages' services agreed to Whitepages' Terms and</p> <p>11 Conditions; correct?</p> <p>12       MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14    A.   Yes.</p> <p>15 BY MR. KIMREY:</p> <p>16    Q.   Your mom agreed that she would not use the</p> <p>17 information that she obtained from Whitepages to harass</p> <p>18 anybody; correct?</p> <p>19       MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21    A.   Yes.</p> <p>22 BY MR. KIMREY:</p> <p>23    Q.   But she used the information she obtained</p> <p>24 from Whitepages to harass you; correct?</p>
<p style="text-align: right;">Page 309</p> <p>1           Could we go off the record?</p> <p>2       THE VIDEOGRAPHER: Sure. Please stand by.</p> <p>3 Going off the video record at 9:33 a.m.</p> <p>4           (Discussion had off the</p> <p>5           record.)</p> <p>6           We are back on record at 9:34 a.m.</p> <p>7           You may proceed.</p> <p>8 BY MR. KIMREY:</p> <p>9     Q.   Ms. Lukis, we're looking at what was produced</p> <p>10 in this case as Bates WHITEPAGES00018, and you've seen</p> <p>11 this before because we entered it in the previous session</p> <p>12 of your deposition. At the top do you see where it says</p> <p>13 "Whitepages Terms of Use"?</p> <p>14    A.   Yes.</p> <p>15    Q.   I'd like to refer you to Bates stamp</p> <p>16 WHITEPAGES00020, Section 3.4. Okay. So you testified</p> <p>17 previously that your mom obtained your new cell phone</p> <p>18 number and that -- used that to contact you and harass</p> <p>19 you. Do you recall that?</p> <p>20    A.   Yes.</p> <p>21       MR. BEAUMONT: Object to form.</p> <p>22 BY MR. KIMREY:</p> <p>23    Q.   And that -- can you see one, two, three,</p> <p>24 four, five, six, seven, eight, nine lines down in the</p>	<p style="text-align: right;">Page 311</p> <p>1       MR. BEAUMONT: Object to form.</p> <p>2 BY THE WITNESS:</p> <p>3     A.   Yes.</p> <p>4 BY MR. KIMREY:</p> <p>5     Q.   And in doing so, she breached Whitepages'</p> <p>6 Terms and Conditions; correct?</p> <p>7       MR. BEAUMONT: Object to form.</p> <p>8 BY THE WITNESS:</p> <p>9     A.   Yes.</p> <p>10 BY MR. KIMREY:</p> <p>11    Q.   Your mom violated her contract with</p> <p>12 Whitepages; correct?</p> <p>13       MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15    A.   Yes.</p> <p>16 BY MR. KIMREY:</p> <p>17    Q.   Please turn to WHITEPAGES23, so Bates stamp</p> <p>18 WHITEPAGES_000023 at Section 11.2. Do you see the</p> <p>19 section that says: "Limitation of Liability," Ms. Lukis?</p> <p>20    A.   Yes.</p> <p>21    Q.   It says: "In no event shall Whitepages or</p> <p>22 any other providers be liable, whether any implied</p> <p>23 indemnities or otherwise, for any direct, indirect,</p> <p>24 incidental, special, consequential, exemplary, punitive</p>

<p style="text-align: right;">Page 312</p> <p>1 or other damages, whether in an action, a contract, tort  2 including but not limited to negligence, or otherwise  3 arising out of or in any way connected with, 1, use of  4 the services of the content including but not limited to  5 any damage caused by any reliance on or any delays,  6 inaccuracies, errors or omissions in the services or  7 content whether provided by Whitepages or by third  8 parties; 2, any use or inability to use or access the  9 services for any reason; 3, unauthorized access, use or  10 alteration of your searches, content or account; 4, any  11 content provided by or conduct of any third party  12 including without limitation any defamatory, offensive or  13 illegal conduct of third parties or --" I'm sorry. The  14 last one was 3. "-- or, 4, any content or services  15 discussed, purchased or obtained directly or indirectly  16 through the services even if Whitepages and/or the  17 providers are advised of the possibility of such damages.  18 In no event shall the aggregate liability of Whitepages'  19 other providers arising out of or relating to the use of  20 the services and/or the content exceed the greater of  21 U.S. \$100 or the amount you paid to Whitepages, if any,  22 in the past six months for access to or use of the  23 services." Did I read that accurately?  24 A. Yes.</p>	<p style="text-align: right;">Page 314</p> <p>1 written consent from Whitepages." Did I read that  2 accurately?  3 A. Yes.  4 Q. By using the Whitepages services did your mom  5 agree to the indemnification term?  6 MR. BEAUMONT: Object to legal conclusion.  7 Actually, I object to this entire line of questioning as  8 a legal conclusion.  9 The witness can answer.  10 BY THE WITNESS:  11 A. I don't know.  12 BY MR. KIMREY:  13 Q. Did she agree to the terms and conditions by  14 using the services, Ms. Lukis?  15 MR. BEAUMONT: Object to form.  16 BY THE WITNESS:  17 A. I would assume so, but, again, I don't know  18 exactly what she -- what she did. I don't know what her  19 actions were.  20 BY MR. KIMREY:  21 Q. So Whitepages has a right, Ms. Lukis, to sue  22 your mom for indemnification if your allegations against  23 her for her harassment arising out of her use of the  24 services are true. Do you object to Whitepages suing</p>
<p style="text-align: right;">Page 313</p> <p>1 Q. Did your mom agree to that by signing up for  2 Whitepages' services?  3 MR. BEAUMONT: Object to form.  4 BY THE WITNESS:  5 A. Yes.  6 BY MR. KIMREY:  7 Q. All right. Going to 11.3, Indemnification,  8 it says: "You agree to hold harmless, defend and  9 indemnify Whitepages and the providers from all  10 liabilities, claims, demands and expenses, including but  11 not limited to reasonable attorneys' fees that are due to  12 arise from or otherwise relate to your use or misuse of  13 the services or the content including without limitation  14 any actual or threatened suit, demand or claim made  15 against Whitepages or any provider that arises out of or  16 relates to, 1, any intellectual property rights or other  17 proprietary rights of any third party and, 2, your breach  18 of this agreement. Whitepages may assume exclusive  19 control of any defense of any matter subject to  20 indemnification by you which shall not excuse your  21 obligation to indemnify Whitepages, and you agree to  22 agree to cooperate with Whitepages in such event. You  23 shall not settle any dispute subject to your  24 indemnification under this agreement without prior</p>	<p style="text-align: right;">Page 315</p> <p>1 your mom for indemnity and contribution related to your  2 allegations in this case?  3 MR. BEAUMONT: Object to form and legal  4 conclusion.  5 The witness can answer.  6 BY THE WITNESS:  7 A. I wouldn't object to you guys suing her, but  8 I don't -- I don't know.  9 BY MR. KIMREY:  10 Q. Do you realize that pursuing this case you're  11 forcing Whitepages to sue your mom?  12 MR. BEAUMONT: Object to form and also legal  13 conclusion.  14 The witness can answer.  15 BY THE WITNESS:  16 A. I guess.  17 BY MR. KIMREY:  18 Q. Do you understand that it's Whitepages'  19 position that she is a necessary party to this litigation  20 because your claims against Whitepages arise out of her  21 alleged breach of the terms and conditions by Whitepages?  22 MR. BEAUMONT: Object to form and calls for  23 legal conclusion.  24</p>

<p style="text-align: right;">Page 316</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't know.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Please turn to 12.10, WHITEPAGES24. Do you</p> <p>5 see where it says: "Dispute Resolution Agreement to</p> <p>6 Arbitrate," Ms. Lukis?</p> <p>7 A. Yes.</p> <p>8 Q. Did your mom agree to this provision by using</p> <p>9 the Whitepages' services?</p> <p>10 MR. BEAUMONT: Object to form, calls for legal</p> <p>11 conclusion.</p> <p>12 The witness can answer.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I don't know.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. If your mom did agree to arbitrate pursuant</p> <p>17 to this provision, is your claim arbitrable?</p> <p>18 MR. BEAUMONT: Object to form, also calls for</p> <p>19 legal conclusion.</p> <p>20 The witness can answer.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't know.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Is it possible that because your mom agreed</p>	<p style="text-align: right;">Page 318</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. What is the avitar?</p> <p>3 A. It's called a snew.</p> <p>4 Q. What's a snew?</p> <p>5 A. That's what Reddit calls their avitar.</p> <p>6 Q. But what is your avitar? What is that thing</p> <p>7 on the top of her head, for instance?</p> <p>8 A. That's whatever they put on the drawing. I</p> <p>9 don't know what it is. I don't know what it's supposed</p> <p>10 to symbolize.</p> <p>11 Q. Are you aware that your Reddit account under</p> <p>12 the pseudonym Autumnsilver is available to the public?</p> <p>13 A. I didn't know that beforehand.</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. So you're learning that --</p> <p>17 A. Now that I do, I'm going to privatize it.</p> <p>18 Q. Let's turn to the post -- let's scroll down.</p> <p>19 I'll tell you when to stop. Slow down. Right there. Go</p> <p>20 back. Where it says: "Just no family." Right there.</p> <p>21 Okay. Did you make this post approximately nine months</p> <p>22 ago, Ms. Lukis, that is in the box?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And you wrote nine months ago the</p>
<p style="text-align: right;">Page 317</p> <p>1 to the arbitration clause your claim is arbitrable?</p> <p>2 MR. BEAUMONT: Same objection.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't know.</p> <p>5 MR. KIMREY: Okay. Let's go off the record.</p> <p>6 THE VIDEOGRAPHER: Going off the video record</p> <p>7 at 9:44 a.m.</p> <p>8 (Discussion had off the</p> <p>9 record.)</p> <p>10 We are back on record at 9:44 a.m.</p> <p>11 You may proceed.</p> <p>12 MR. KIMREY: Folder 121, Reddit, please enter</p> <p>13 as Exhibit 19.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Ms. Lukis, are you the Autumnsilver as</p> <p>16 depicted here?</p> <p>17 A. Yes.</p> <p>18 Q. Is that your avitar?</p> <p>19 A. I think so.</p> <p>20 Q. Did you choose that avitar to represent you?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I guess.</p> <p>24</p>	<p style="text-align: right;">Page 319</p> <p>1 following: "Check instantcheckmate.com or</p> <p>2 whitepages.com. All she needs is your name and a city</p> <p>3 and she can pay to get your new info. It also shows</p> <p>4 court documents so the name change would be on there. I</p> <p>5 am primary on the class action lawsuit against them both</p> <p>6 because my narcissistic mother keeps finding me through</p> <p>7 those. You might be able to get them to pull your</p> <p>8 information if you point out multiple violations of</p> <p>9 restraining orders from your information being</p> <p>10 searchable." Did I read that accurately?</p> <p>11 A. Yes.</p> <p>12 Q. You posted that; correct?</p> <p>13 A. Yes. It was after I found out about you</p> <p>14 guys.</p> <p>15 Q. What did you say?</p> <p>16 A. It's after I found out about you guys.</p> <p>17 Q. And that post in combination with</p> <p>18 Autumnsilver would enable pretty much anyone to determine</p> <p>19 that this is your Reddit account; correct?</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. There are tons of people who use the name</p> <p>23 Autumnsilver all over the place.</p> <p>24</p>



<p style="text-align: right;">Page 320</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Are there tons of people who are a punitive</p> <p>3 class representative in a case in federal court against</p> <p>4 Whitepages and ICM?</p> <p>5 A. Not to my knowledge.</p> <p>6 Q. Okay. So are you telling -- who are you</p> <p>7 talking to here?</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I -- it was a person who had posted a comment</p> <p>11 about she kept trying to get away from her abusive parent</p> <p>12 and they kept finding her information on line.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. In response to that, you had --</p> <p>15 A. They found out she changed her name.</p> <p>16 Q. In response to that, you told her to go to</p> <p>17 Instant CheckMate and to Whitepages; correct?</p> <p>18 MR. BEAUMONT: Object to form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Yes, because nobody should have their</p> <p>21 information on your website.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Okay. Let's scroll forward to -- you can</p> <p>24 probably search for SherLovesCats. So that's S-H-E-R</p>	<p style="text-align: right;">Page 322</p> <p>1 MR. BEAUMONT: Object to form.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Is this something that you would want to</p> <p>4 reveal to the public?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I -- I don't know how this is relevant to you</p> <p>8 guys using -- selling my information on line.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Can you answer the question?</p> <p>11 A. No, it's not something I'd want on line, but</p> <p>12 it has nothing to do with you guys selling my</p> <p>13 information.</p> <p>14 MR. KIMREY: Can we go off the record?</p> <p>15 THE VIDEOGRAPHER: Going off the video record</p> <p>16 at 9:53 a.m.</p> <p>17 (Discussion had off the</p> <p>18 record.)</p> <p>19 We are back on the record at 9:54 a.m.</p> <p>20 You may proceed.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Do you see the post that's at the top of the</p> <p>23 page, Ms. Lukis?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 321</p> <p>1 LovesCats all one word.</p> <p>2 Let's go off the record.</p> <p>3 THE VIDEOGRAPHER: Off the record at 9:49 a.m.</p> <p>4 (Discussion had off the</p> <p>5 record.)</p> <p>6 We are back on the record at 9:51 a.m.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Ms. Lukis, do you see the post that's been</p> <p>9 highlighted for you?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you write about a year ago: "You could</p> <p>12 also be drinking cranberry juice --" I'm sorry. Did you</p> <p>13 write about a year ago: "Just be careful in how much</p> <p>14 cranberry juice you drink. Large quantities have a</p> <p>15 laxative effect. Source: Happened to me. Ugh."</p> <p>16 A. Yes.</p> <p>17 Q. Who could read that when you posted that?</p> <p>18 MR. BEAUMONT: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. The person in that thread who I replied to.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Okay. Are you aware that that post is</p> <p>23 publicly available?</p> <p>24 A. No, I wasn't.</p>	<p style="text-align: right;">Page 323</p> <p>1 Q. Excuse me? What did you say?</p> <p>2 A. I was just reading it.</p> <p>3 Q. Did you publish this post?</p> <p>4 A. Yes, and I thought the person I was</p> <p>5 responding to was the only one who could read it.</p> <p>6 Q. Are you aware that this is publicly</p> <p>7 available?</p> <p>8 A. Now I am.</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Is this something that you would have want to</p> <p>12 have said to the public at large?</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't know. It's nothing inflammatory, and</p> <p>16 it also has nothing to do with identifying me personally</p> <p>17 as to where I worked or who I'm talking about.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. When did you work at Cheesecake Factory?</p> <p>20 A. Four -- I don't remember. Years ago.</p> <p>21 Q. Where was The Cheesecake Factory?</p> <p>22 A. Don't know how it matters, but Virginia and</p> <p>23 Illinois.</p> <p>24 Q. For how long did you work for The Cheesecake</p>

<p style="text-align: right;">Page 324</p> <p>1 Factory in Virginia?</p> <p>2 A. I don't remember.</p> <p>3 Q. For how long did you work at The Cheesecake</p> <p>4 Factory in Illinois?</p> <p>5 A. I don't remember. It was years ago.</p> <p>6 Q. But you definitely worked for a Cheesecake</p> <p>7 Factory in Virginia?</p> <p>8 A. Yes.</p> <p>9 Q. You definitely worked for a Cheesecake</p> <p>10 Factory in Illinois?</p> <p>11 A. Yes.</p> <p>12 Q. In this exhibit can we conclude that every</p> <p>13 post that is preceded by Autumnsilver is a post made by</p> <p>14 you?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. In this exhibit, after you talking to me</p> <p>18 about it, yes. Would anybody know who Autumnsilver is</p> <p>19 outside of you guys doing research and finding other</p> <p>20 things with Autumnsilver in it? No.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Is your lawsuit public record?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24</p>	<p style="text-align: right;">Page 326</p> <p>1 A. Yes.</p> <p>2 Q. Did you write this post?</p> <p>3 A. Yes.</p> <p>4 Q. Did you intend for the post to be available</p> <p>5 to the public generally?</p> <p>6 A. No.</p> <p>7 Q. Are you aware that it is available to the</p> <p>8 public generally?</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. Now I am.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Do you see at the second to the last</p> <p>14 paragraph it says: "Funny but a few years later I was in</p> <p>15 a different car accident and had to get X-rays on my neck</p> <p>16 and back. Turns out, in the accident senior year I had</p> <p>17 chipped a chunk off one of my vertebrae and it had healed</p> <p>18 but now presses against the disc between the vertebrae."</p> <p>19 Did I read that accurately?</p> <p>20 A. Yes.</p> <p>21 Q. Do you consider that information to be</p> <p>22 private information?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24</p>
<p style="text-align: right;">Page 325</p> <p>1 BY THE WITNESS:</p> <p>2 A. Yes, it is.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Can anyone on planet earth look up your name</p> <p>5 in connection with the lawsuit?</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. That's not the only thing that comes up when</p> <p>9 they search my name.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Again, were you aware of anyone on planet</p> <p>12 earth who has sued Whitepages and Instant CheckMate in</p> <p>13 punitive class actions other than you?</p> <p>14 A. I have no idea.</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 MR. KIMREY: Let's go off the record.</p> <p>17 THE VIDEOGRAPHER: Going off the video record</p> <p>18 at 9:57 a.m.</p> <p>19 (Discussion had off the</p> <p>20 record.)</p> <p>21 We are back on the record at 9:57 a.m.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Do you see the post that's on the screen, Ms.</p> <p>24 Lukis?</p>	<p style="text-align: right;">Page 327</p> <p>1 BY THE WITNESS:</p> <p>2 A. Yes.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Do you consider that to be sensitive</p> <p>5 information protected by HIPAA?</p> <p>6 MR. BEAUMONT: Object to form and also calls</p> <p>7 for legal conclusion.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I'm not familiar with everything that's in</p> <p>10 HIPAA, so I wouldn't know.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Have you ever advised anyone related to</p> <p>13 HIPAA?</p> <p>14 A. No, not that I can think of.</p> <p>15 MR. KIMREY: Let's go off the record.</p> <p>16 MR. BEAUMONT: Before we go off the record, I</p> <p>17 object to the form of the last question, but it's fine to</p> <p>18 go off the record.</p> <p>19 THE VIDEOGRAPHER: Okay. Going off the video</p> <p>20 record at 9:58 a.m.</p> <p>21 (Discussion had off the</p> <p>22 record.)</p> <p>23 We are back on record at 9:59 a.m.</p> <p>24</p>

<p style="text-align: right;">Page 328</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Ms. Lukis, do you see the post in the middle</p> <p>3 that starts with: "Holy shit"?</p> <p>4 A. Yeah.</p> <p>5 Q. Did you write that post?</p> <p>6 A. I don't know. I don't remember.</p> <p>7 Q. Are you Autumnsilver?</p> <p>8 A. Yes. Again, I don't remember writing the</p> <p>9 post.</p> <p>10 Q. Okay. Is it possible you wrote that post?</p> <p>11 A. Possible.</p> <p>12 Q. Okay. And did you say: "Holy shit.</p> <p>13 Knowingly violating HIPAA at that level is \$10,000 per</p> <p>14 violation. If I recall, five to ten years of jail time</p> <p>15 depending on the judge." Did I read that accurately?</p> <p>16 A. Yes.</p> <p>17 Q. Did you write that?</p> <p>18 A. I suppose so.</p> <p>19 Q. Then you wrote: "If the cousin gets busted</p> <p>20 for sharing your entire medical file, she could be</p> <p>21 seriously up shit creek." Did you write that?</p> <p>22 A. I suppose so.</p> <p>23 Q. Did you intend for that to be available to</p> <p>24 the public?</p>	<p style="text-align: right;">Page 330</p> <p>1 A. Yes.</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. It says: "I am officially at a loss of</p> <p>5 words. So a long story short, my N mom --" what is N</p> <p>6 mom?</p> <p>7 A. Narcissistic mother.</p> <p>8 Q. Who is your narcissistic mother?</p> <p>9 A. Debbie I think she's going by Egan now. I</p> <p>10 don't know what last name she's currently using.</p> <p>11 Q. "My narcissistic mom was helping us put out</p> <p>12 bills --" or sorry. "My narcissistic mom was helping us</p> <p>13 out with bills and paid my husband and I's March rent on</p> <p>14 her credit card. At the end of April, beginning of May</p> <p>15 we got into a huge fight where we stopped talking to her</p> <p>16 and basically went NC for a month." What is NC?</p> <p>17 A. No contact.</p> <p>18 Q. "During that time, apparently she called the</p> <p>19 credit card company and reversed the charge for our rent.</p> <p>20 Well, our apartment company instead of talking to us and</p> <p>21 seeing if maybe we could set up some sort of payment</p> <p>22 arrangement for March's rent just tacked it onto August</p> <p>23 doubling our rent. We were already going to be late</p> <p>24 because of financial difficulties, but there is no way</p>
<p style="text-align: right;">Page 329</p> <p>1 A. Nope.</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Are you aware that it is available to the</p> <p>5 public?</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. As of today I am.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Are you aware that it's been available to the</p> <p>11 public ever since you wrote it?</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. As of today I am. I thought I was responding</p> <p>15 directly to that person.</p> <p>16 MR. KIMREY: Okay. Let's go off the record.</p> <p>17 THE VIDEOGRAPHER: Off the record at 10</p> <p>18 o'clock a.m.</p> <p>19 (Discussion had off the</p> <p>20 record.)</p> <p>21 We are back on record at 10:01 a.m.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Ms. Lukis, did you draft the post that's at</p> <p>24 the top of the page?</p>	<p style="text-align: right;">Page 331</p> <p>1 for us to find another almost \$2,000 before the end of</p> <p>2 month and still have \$1800 on September 1." Did I read</p> <p>3 that accurately?</p> <p>4 A. Yes.</p> <p>5 Q. Did you post that?</p> <p>6 A. Yes.</p> <p>7 Q. By paying your rent was your mom harassing</p> <p>8 you?</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. At the time when I was talking to her, she</p> <p>12 was -- she emotionally and mentally harassed me, but I</p> <p>13 was still talking to her at the time.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Did you intend for this post to be public?</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. That one, yes.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. So this one you intended to be public but the</p> <p>21 other ones you did not?</p> <p>22 MR. BEAUMONT: Same objection.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I -- again, when I would reply to somebody's</p>

<p style="text-align: right;">Page 332</p> <p>1 post, I thought I was replying directly to that person</p> <p>2 not posting -- not having it be a public thing. Whenever</p> <p>3 anybody responds to you you get -- you get that response</p> <p>4 in a -- inside the website as a -- as a thing. You</p> <p>5 get -- so that's what I thought I was doing was</p> <p>6 getting -- giving people direct responses.</p> <p>7 Q. Did you intend for this post to be public?</p> <p>8 A. This one, yes.</p> <p>9 MR. BEAUMONT: Objection.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Why did you intend for this one to be public</p> <p>12 but the other ones not to be?</p> <p>13 MR. BEAUMONT: Same objection.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I was asking for help.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Okay. Can you move down? The person</p> <p>18 responding to you says one, two, three, four lines down:</p> <p>19 "Fucking, Christ. Your mom is a fuckwit." Do you see</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. And you respond: "Thanks. Honestly, I just</p> <p>23 needed to vent. Fuckwit, heh. I think I might use that</p> <p>24 as her new nickname around here. A lot better than some</p>	<p style="text-align: right;">Page 334</p> <p>1 you to look at your credit reports for free instantly</p> <p>2 after signing up, so I would go check them out,</p> <p>3 especially if one of those is where you had the funny</p> <p>4 questions pop up. Edit: You can look at the TransUnion</p> <p>5 and Equifax reports." Did I read that accurately?</p> <p>6 A. Yes.</p> <p>7 Q. Did you write that?</p> <p>8 A. I would assume so.</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Did you intend for that to be public?</p> <p>12 MR. BEAUMONT: Same objection.</p> <p>13 BY THE WITNESS:</p> <p>14 A. No.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Okay. Why are you referring someone to</p> <p>17 creditkarma.com?</p> <p>18 A. Because the comment I was responding to is</p> <p>19 that person thought that their parent may have taken out</p> <p>20 a \$100,000 mortgage in that person's name.</p> <p>21 Q. So why did you refer them to creditkarma.com?</p> <p>22 A. Because I had learned about that website</p> <p>23 where you can get access to your credit reports for free.</p> <p>24 Q. Why did you refer them to TransUnion and</p>
<p style="text-align: right;">Page 333</p> <p>1 of the other things I have been saying lately." Did I</p> <p>2 read that accurately?</p> <p>3 A. Yes.</p> <p>4 Q. Did you write that post?</p> <p>5 A. Yes.</p> <p>6 Q. Did you intend for that post to be public?</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. No. I thought I was responding directly to</p> <p>10 the person who had directly responded to me.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. So do you now call your mom fuckwit?</p> <p>13 A. No.</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 MR. KIMREY: Let's go off the record.</p> <p>16 THE VIDEOGRAPHER: Off the record at 10:05</p> <p>17 a.m.</p> <p>18 (Discussion had off the</p> <p>19 record.)</p> <p>20 We are back on record at 10:06 a.m.</p> <p>21 You may proceed.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Do you see in the middle here, Ms. Lukis,</p> <p>24 there's a post by you that says: "Creditkarma.com allows</p>	<p style="text-align: right;">Page 335</p> <p>1 Equifax?</p> <p>2 A. I didn't refer them to TransUnion and</p> <p>3 Equifax. If you look at it, it says: "You can look at</p> <p>4 the TransUnion and Equifax reports," referring to Credit</p> <p>5 Karma.</p> <p>6 Q. So, in other words, you're saying you can get</p> <p>7 your TransUnion and Equifax reports through Credit Karma,</p> <p>8 is that right?</p> <p>9 A. You can get some information from your credit</p> <p>10 report not everything.</p> <p>11 MR. KIMREY: Let's go off the record.</p> <p>12 THE VIDEOGRAPHER: Stand by. Going off the</p> <p>13 video record at 10:07 a.m.</p> <p>14 (Discussion had off the</p> <p>15 record.)</p> <p>16 We are back on record at 10:08 a.m.</p> <p>17 You may proceed.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Do you see the post at the top by you, Ms.</p> <p>20 Lukis, that begins with: "First round"?</p> <p>21 A. Yes.</p> <p>22 Q. Did you write this?</p> <p>23 A. Yes.</p> <p>24 Q. Did you intend for this to be public?</p>

<p style="text-align: right;">Page 336</p> <p>1 A. No. Again, I was responding to someone.</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Why did you not want it to be public?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Because it's talking about my medical</p> <p>8 information.</p> <p>9 MR. KIMREY: Okay. Let's go off the record.</p> <p>10 THE VIDEOGRAPHER: We're off the video record</p> <p>11 at 10:09 a.m.</p> <p>12 (Discussion had off the</p> <p>13 record.)</p> <p>14 We are back on record at 10:09 a.m.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Do you see the post, Ms. Lukis, that starts</p> <p>17 with: "Honestly"?</p> <p>18 A. Yes.</p> <p>19 Q. Did you write this?</p> <p>20 A. Yes.</p> <p>21 Q. You providing legal advice here?</p> <p>22 MR. BEAUMONT: Object to form and -- give me</p> <p>23 one quick second. I just want to think about this real</p> <p>24 quick. And I'm also going to object as calls for legal</p>	<p style="text-align: right;">Page 338</p> <p>1 mention narcissism while they were watching a movie over</p> <p>2 Christmas while we were visiting and now all my mother</p> <p>3 can talk about is how my --" what is an M-I-L?</p> <p>4 A. Mother-in-law.</p> <p>5 Q. "-- my mother-in-law is a giant narc.</p> <p>6 Totally not true and she is projecting because my</p> <p>7 mother-in-law would give life, limbs, organs and her last</p> <p>8 dime to make sure her kids were okay. Everything my</p> <p>9 narcissistic mom says my mother-in-law does is actually</p> <p>10 things she has done or said, but she totally gaslights</p> <p>11 herself into remembering how horrible my mother-in-law is</p> <p>12 to me and trying to convince me and my husband of her</p> <p>13 version of reality." Did you write that?</p> <p>14 A. Yes.</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Did you intend for that to be public?</p> <p>18 MR. BEAUMONT: Object to form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. No, I did not. I was responding to someone</p> <p>21 else.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Are you aware that it is public?</p> <p>24 A. Now I am.</p>
<p style="text-align: right;">Page 337</p> <p>1 conclusion.</p> <p>2 The witness can answer.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I wouldn't say I was providing legal advice</p> <p>5 at all, no.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Did you mean for this post to be public?</p> <p>8 A. No.</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I was replying to someone else.</p> <p>12 MR. KIMREY: Let's go off the record.</p> <p>13 THE VIDEOGRAPHER: We are going off the video</p> <p>14 record at 10:09 a.m.</p> <p>15 (Discussion had off the</p> <p>16 record.)</p> <p>17 We are back on the record at 10:10 a.m.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Okay. Do you see the post that begins with:</p> <p>20 "Similar," Ms. Lukis?</p> <p>21 A. Yes.</p> <p>22 Q. You wrote: "Similar but not regarding her</p> <p>23 parents as they both died before my narcissist mom's</p> <p>24 narcissism got full blown. My husband happened to</p>	<p style="text-align: right;">Page 339</p> <p>1 MR. BEAUMONT: Form.</p> <p>2 MR. KIMREY: Off the record.</p> <p>3 THE VIDEOGRAPHER: Off the video record at</p> <p>4 10:11 a.m.</p> <p>5</p> <p>6 (Discussion had off the</p> <p>7 record.)</p> <p>8 We are back on record at 10:12 a.m.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Do you see the post by you, Ms. Lukis, that</p> <p>11 starts with: "Don't do it"?</p> <p>12 A. Yes.</p> <p>13 Q. Did you write this post?</p> <p>14 A. Yes.</p> <p>15 Q. What is an ACON?</p> <p>16 A. Adult child of a narcissist.</p> <p>17 Q. Did you intend for this post to be public?</p> <p>18 A. No. I was --</p> <p>19 MR. BEAUMONT: Form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. -- responding to someone else.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Are you aware that it is public?</p> <p>24 A. Now I am.</p>

<p style="text-align: right;">Page 340</p> <p>1 MR. BEAUMONT: Object to form.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Okay. Let's go to claiming. Move forward.</p> <p>4 Again, I think we -- let's go off the record.</p> <p>5 THE VIDEOGRAPHER: Off the video record at</p> <p>6 10:12 a.m.</p> <p>7 (Discussion had off the</p> <p>8 record.)</p> <p>9 We are back on record at 10:13 a.m.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Do you see the comment that begins: "I would</p> <p>12 say," Ms. Lukis?</p> <p>13 A. Yeah.</p> <p>14 Q. Did you write this comment?</p> <p>15 A. I would assume so.</p> <p>16 Q. Okay. And it says: "I would say talk to a</p> <p>17 tax professional ASAP. It will get fined and his refund</p> <p>18 audited once you file your taxes. He knows he is wrong</p> <p>19 for filing you on his taxes but he just wants the child</p> <p>20 tax credit to offset anything he might have to pay. I am</p> <p>21 in a similar situation with my non-narcissistic</p> <p>22 mother-in-law. My sister-in-law, 14, has been living</p> <p>23 with us since April/May and we have paid for everything</p> <p>24 for her, so she was put on our taxes. My mother-in-law</p>	<p style="text-align: right;">Page 342</p> <p>1</p> <p>2 BY THE WITNESS:</p> <p>3 A. I -- I vaguely have an idea.</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Do you think it's appropriate for you to</p> <p>6 claim your sister-in-law as a dependent on your taxes?</p> <p>7 A. She was a --</p> <p>8 MR. BEAUMONT: Objection, calls for legal</p> <p>9 conclusion.</p> <p>10 The witness can answer.</p> <p>11 BY THE WITNESS:</p> <p>12 A. She was a dependent. We paid for everything</p> <p>13 for her for more than a year and a half.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Do you think it was appropriate for your</p> <p>16 mother-in-law to claim your sister-in-law as a dependent</p> <p>17 on her taxes at the same time you claimed the</p> <p>18 sister-in-law to be a dependent on your taxes?</p> <p>19 MR. BEAUMONT: Object to form and calls for</p> <p>20 legal conclusion.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I -- I don't know. I'm not -- I'm not a tax</p> <p>23 professional and I'm not an attorney.</p> <p>24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 341</p> <p>1 tried to file with the 14-year old on her taxes and they</p> <p>2 got rejected only because we managed to file first." Did</p> <p>3 I read that accurately?</p> <p>4 A. Yes.</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. So did you list your 14-year old</p> <p>8 sister-in-law as a dependent on your taxes?</p> <p>9 MR. BEAUMONT: Object to form and calls for</p> <p>10 legal conclusion.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I don't recall.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Do you see where it says: "So she was put on</p> <p>15 our taxes"?</p> <p>16 A. Yes. I'm assuming I did, but I don't recall.</p> <p>17 Q. Okay. And your mother-in-law tried to do the</p> <p>18 same thing?</p> <p>19 A. Yes.</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Do you know what tax fraud is?</p> <p>23 MR. BEAUMONT: Object to form and calls for</p> <p>24 legal conclusion.</p>	<p style="text-align: right;">Page 343</p> <p>1 Q. So you think it could be appropriate for both</p> <p>2 you and your mother-in-law to claim the sister-in-law as</p> <p>3 a dependent simultaneously on your tax returns for the</p> <p>4 same year?</p> <p>5 A. I would assume not.</p> <p>6 MR. BEAUMONT: Object to form and calls for a</p> <p>7 legal conclusion.</p> <p>8 The witness can answer.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I would assume not.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. What did you say?</p> <p>13 A. I would assume not.</p> <p>14 MR. KIMREY: Okay. Let's go off the record.</p> <p>15 THE VIDEOGRAPHER: Off the video record at</p> <p>16 10:16 a.m.</p> <p>17 (Discussion had off the</p> <p>18 record.)</p> <p>19 We are back on the record at 10:16 a.m.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Do you see the post that begins: "I am</p> <p>22 totally feeling"?</p> <p>23 A. Yes.</p> <p>24 Q. Did you write that?</p>



<p style="text-align: right;">Page 344</p> <p>1 A. Yes.</p> <p>2 Q. Did you intend for it to be public?</p> <p>3 A. No, because I was --</p> <p>4 MR. BEAUMONT: Form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. -- replying to another person.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. It says that your husband got a fantastic new</p> <p>9 job making double what he had previously. What was that</p> <p>10 job?</p> <p>11 A. I don't remember. It was five years ago.</p> <p>12 Q. Do you remember any job he's ever had?</p> <p>13 A. Yes. He was working in a sales role for --</p> <p>14 but I don't remember which company he was working for at</p> <p>15 the time.</p> <p>16 Q. Do you remember any company he's ever worked</p> <p>17 for ever in the history of his life?</p> <p>18 A. Yes, but I don't see how what companies my</p> <p>19 husband has worked for is relevant.</p> <p>20 Q. What companies has your husband worked for?</p> <p>21 MR. BEAUMONT: Form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Johnson Controls, Orkin, Weiser Security.</p> <p>24 There was a couple other -- there's a couple other, but I</p>	<p style="text-align: right;">Page 346</p> <p>1 record.)</p> <p>2 We are back on record at 10:18 a.m.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Do you see where it says: "This period," Ms.</p> <p>5 Lukis?</p> <p>6 A. Yes.</p> <p>7 Q. It says in full: "This. If she goes</p> <p>8 snooping pretending to be a nurse for your doctor, be</p> <p>9 sure to report her. She knows that shit is illegal for</p> <p>10 her to do, but her narcissismness let's her believe she</p> <p>11 can get away with it." Did I read that accurately?</p> <p>12 A. Yes.</p> <p>13 MR. BEAUMONT: Form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Did you post that?</p> <p>16 A. Yes.</p> <p>17 Q. Did you intend for it to be public?</p> <p>18 MR. BEAUMONT: Object to form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Did I intend for --</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Did you intend for it to be public?</p> <p>23 MR. BEAUMONT: I'm sorry. There's some</p> <p>24 static. Would you mind repeating your question because I</p>
<p style="text-align: right;">Page 345</p> <p>1 can't remember who they are.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Was this new job making double what he had</p> <p>4 made previously at Johnson Controls, Orkin or Weiser</p> <p>5 Security?</p> <p>6 A. I don't know. I would assume so since that's</p> <p>7 what I wrote.</p> <p>8 Q. You wrote that his new job was at Johnson</p> <p>9 Controls, Orkin or Weiser Security?</p> <p>10 MR. BEAUMONT: Form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I didn't write the name of the company</p> <p>13 because I don't remember, so I don't know who it was.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Okay. And you say: "I am getting a job</p> <p>16 again after being out of the workforce." What was that</p> <p>17 job?</p> <p>18 A. I don't remember who I was working for five</p> <p>19 years ago. I think -- five years ago is -- I don't -- I</p> <p>20 don't recall who it was.</p> <p>21 MR. KIMREY: Let's go off the record.</p> <p>22 THE VIDEOGRAPHER: Going off the video record</p> <p>23 at 10:18 a.m.</p> <p>24 (Discussion had off the</p>	<p style="text-align: right;">Page 347</p> <p>1 can't hear?</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Did you intend for it to be public?</p> <p>4 A. No.</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 MR. KIMREY: How's my sound?</p> <p>7 MR. BEAUMONT: There's some sort of distortion</p> <p>8 in the line.</p> <p>9 MR. KIMREY: Let's go off the record.</p> <p>10 THE VIDEOGRAPHER: Please stand by. Going off</p> <p>11 the video record at 10:20 a.m.</p> <p>12 (Discussion had off the</p> <p>13 record.)</p> <p>14 We are back on record at 10:22 a.m.</p> <p>15 You may proceed.</p> <p>16 MR. BEAUMONT: I'd just like to make clear</p> <p>17 that there was some distortion in the line, and for the</p> <p>18 previous question I objected to the form of the question.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. The post that we were just talking about</p> <p>21 continues onto this page. Do you see that, Ms. Lukis?</p> <p>22 A. Yes.</p> <p>23 Q. And you wrote this entire post; correct?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 348</p> <p>1 Q. You did not intend for this to be public;</p> <p>2 correct?</p> <p>3 A. No, I did not.</p> <p>4 MR. BEAUMONT: Object to form.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. What are flying monkeys?</p> <p>7 A. Let's see. It's a reference to the</p> <p>8 characters from the Wizard of Oz. They're the people who</p> <p>9 mess with you from -- that are sent -- how do you</p> <p>10 describe it? People who are sent by the narcissist in</p> <p>11 your life to mess with you and try to convince you that</p> <p>12 you're in the wrong.</p> <p>13 Q. Who are the flying monkeys in your life?</p> <p>14 A. My siblings --</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. My siblings, my aunts, cousins, uncles, all</p> <p>18 people I have cut out of my life.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. So all of your siblings are flying monkeys?</p> <p>21 A. Yes.</p> <p>22 MR. BEAUMONT: Object to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. They all do whatever my mother tells them to.</p>	<p style="text-align: right;">Page 350</p> <p>1</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. What are their last names?</p> <p>4 A. Brian Klatte, Patricia Jones, Terri, I don't</p> <p>5 know her last name. I barely ever talk to her. God.</p> <p>6 What the heck is -- I haven't talked to most of them in</p> <p>7 years, so I don't remember most of their names, and I</p> <p>8 only interacted with them at most once or twice a year</p> <p>9 unless my mother was sending them to harass me.</p> <p>10 Q. Have you been diagnosed with any mental</p> <p>11 illnesses?</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I don't know why my medical history is</p> <p>15 relevant.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Have you been diagnosed with any mental</p> <p>18 illnesses?</p> <p>19 MR. BEAUMONT: Form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Anxiety due to -- due to my mother and</p> <p>22 bipolar disorder.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. When were you diagnosed with bipolar</p>
<p style="text-align: right;">Page 349</p> <p>1 Well, the only one living -- remaining does.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. All of your aunts and uncles are flying</p> <p>4 monkeys?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. On my mother's side, yes.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Is your mom's entire side of the family</p> <p>10 comprised of flying monkeys?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. The ones that I have contact with are, yes,</p> <p>14 or had contact with are.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Could you list by name the flying monkeys?</p> <p>17 A. I don't see how it's relevant to list the</p> <p>18 names of my family members.</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Could you list by name the flying monkeys?</p> <p>22 MR. BEAUMONT: Object to form again.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Brian, Patricia, Terri.</p>	<p style="text-align: right;">Page 351</p> <p>1 disorder?</p> <p>2 A. God.</p> <p>3 MR. BEAUMONT: Object to form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't remember. It's been years.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Do you take any medications for your bipolar</p> <p>8 disorder?</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. Since my medical history is not being</p> <p>12 submitted, I really would prefer not to answer that</p> <p>13 question.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. You have to answer it because your adequacy</p> <p>16 as the class representative is at issue in this case.</p> <p>17 So do you take any medications for your</p> <p>18 bipolar disorder?</p> <p>19 A. Yes, Lamictal.</p> <p>20 Q. For the past three years have you taken</p> <p>21 anything for your bipolar disorder other than Lamictal?</p> <p>22 MR. BEAUMONT: Object to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I don't know. I don't recall.</p>

<p style="text-align: right;">Page 352</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Who prescribed Lamictal to you?</p> <p>3 A. My psychiatrist.</p> <p>4 Q. Who is that?</p> <p>5 A. Helena Radomska.</p> <p>6 Q. Could you spell that?</p> <p>7 A. R-A-D-O-M-S-K-A.</p> <p>8 Q. What was the first name?</p> <p>9 A. Helena.</p> <p>10 Q. Where is her office?</p> <p>11 A. Chicago.</p> <p>12 Q. Where?</p> <p>13 A. Mag Mile. I don't know the address.</p> <p>14 Q. What's the name of her practice?</p> <p>15 A. Her name.</p> <p>16 Q. Do you have her telephone number?</p> <p>17 A. No. I contact her through ZocDoc.</p> <p>18 Q. Have you agreed to ZocDoc's terms and</p> <p>19 conditions?</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Yeah.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. What was that?</p>	<p style="text-align: right;">Page 354</p> <p>1 MR. BEAUMONT: Object to form.</p> <p>2</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. How does your bipolar disorder manifest</p> <p>5 itself?</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Well, other than the fact it hasn't</p> <p>9 manifested in five years, it's manic episodes followed by</p> <p>10 depressive episodes.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. In this post at the end you refer to a</p> <p>13 restraining order. Do you see that? Last two words of</p> <p>14 the post.</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever sought a restraining order</p> <p>17 against your mom, Deborah Egan?</p> <p>18 A. I wish I could, but I didn't -- I wasn't</p> <p>19 documenting the issues that she was causing me at the</p> <p>20 time.</p> <p>21 Q. So you've never sought a restraining order</p> <p>22 against your mom?</p> <p>23 A. I wanted to, but I don't have any evidence</p> <p>24 that -- when I went -- took the information to the police</p>
<p style="text-align: right;">Page 353</p> <p>1 A. Yes.</p> <p>2 Q. Have you agreed to ZocDoc's privacy policy?</p> <p>3 MR. BEAUMONT: Form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Yes.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. When were you -- have you been clinically</p> <p>8 diagnosed with anxiety?</p> <p>9 A. Yes.</p> <p>10 MR. BEAUMONT: Form.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Who diagnosed you with anxiety?</p> <p>13 A. I don't remember the doctor's name. I</p> <p>14 haven't seen that doctor in years.</p> <p>15 Q. How long ago did you receive the clinical</p> <p>16 diagnosis of anxiety?</p> <p>17 A. About ten years ago.</p> <p>18 Q. Do you know what the DSM-5 is?</p> <p>19 A. No.</p> <p>20 Q. Do you know what the DSM-IV is?</p> <p>21 A. No.</p> <p>22 Q. Have you been diagnosed with any mental</p> <p>23 conditions other than bipolar disorder and anxiety?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 355</p> <p>1 to request one, they said that I don't have enough in</p> <p>2 evidence in order to get one.</p> <p>3 Q. What police did you go to?</p> <p>4 A. God, it was like six years ago. I think it</p> <p>5 was Chicago PD.</p> <p>6 Q. Did you file a report?</p> <p>7 A. The officer I talked to said I don't have</p> <p>8 enough information to be able to file anything.</p> <p>9 Q. Who was the officer?</p> <p>10 A. Heck if I know.</p> <p>11 MR. KIMREY: Let's go off the record.</p> <p>12 THE VIDEOGRAPHER: Please stand by. Off the</p> <p>13 video record at 10:29 a.m.</p> <p>14 (Discussion had off the</p> <p>15 record.)</p> <p>16 We are back on the record at 10:29 a.m.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Has your bipolar disorder ever caused you to</p> <p>19 do anything that you regret?</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Not -- not that I can think of.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Has your anxiety ever caused you to do</p>

<p style="text-align: right;">Page 356</p> <p>1 anything that you regret?</p> <p>2 MR. BEAUMONT: Form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Not that I can think of.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Okay. Do you see this post that begins with:</p> <p>7 "Heck yes"?</p> <p>8 A. Yes.</p> <p>9 Q. Here you're talking about your biological mom</p> <p>10 and accidents she's been in. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Did you write this post?</p> <p>13 A. Yes.</p> <p>14 Q. Did you intend for this to be public?</p> <p>15 A. No.</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Are you aware that it is public?</p> <p>19 A. I am now.</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Okay. Let's go to "Stop now."</p> <p>23 Do you see the post that begins: "Stop now,"</p> <p>24 Ms. Lukis?</p>	<p style="text-align: right;">Page 358</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Do you have her address?</p> <p>3 A. Not anymore. I don't know where she lives</p> <p>4 right now.</p> <p>5 Q. Is your mom aware of this lawsuit?</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Not to my knowledge.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Have you told your mom to hold onto any</p> <p>11 evidence that may be relevant to this case and</p> <p>12 proportional to its needs?</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I have not talked to her in any way, shape or</p> <p>16 form in over two and a half years.</p> <p>17 MR. KIMREY: Let's go off the record.</p> <p>18 THE VIDEOGRAPHER: Off the video record at</p> <p>19 10:32 a.m.</p> <p>20 (Discussion had off the</p> <p>21 record.)</p> <p>22 We are back on the record at 10:32 a.m.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Do you see the post, Ms. Lukis, that begins</p>
<p style="text-align: right;">Page 357</p> <p>1 A. Yes.</p> <p>2 Q. Did you write this?</p> <p>3 A. Yes.</p> <p>4 Q. Did you intend for this to be public?</p> <p>5 MR. BEAUMONT: Form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. No.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Are you aware that it is public?</p> <p>10 MR. BEAUMONT: Object to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. Now I am.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Did your mom pay for your wedding?</p> <p>15 A. Regretfully.</p> <p>16 Q. Is the answer yes?</p> <p>17 A. Yes.</p> <p>18 Q. What did it cost?</p> <p>19 A. I don't know.</p> <p>20 Q. What else has your mom paid for for you?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Other than the one time she paid my rent,</p> <p>24 Christmas and birthday gifts.</p>	<p style="text-align: right;">Page 359</p> <p>1 with: "The problem is --"</p> <p>2 A. Yes.</p> <p>3 Q. -- at the bottom?</p> <p>4 Did you write that post?</p> <p>5 A. Yes.</p> <p>6 Q. Did you intend for it to be public?</p> <p>7 A. Nope.</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Are you aware that it is public?</p> <p>11 A. Now I am.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Okay. You refer here to Yelp. Do you see</p> <p>14 that?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever used Yelp?</p> <p>17 A. No.</p> <p>18 Q. So how do you know that they use the highest</p> <p>19 Yelp rated restaurant for each area?</p> <p>20 A. The comment I was responding to says that.</p> <p>21 Q. Okay. But you have never used Yelp at all in</p> <p>22 your entire life?</p> <p>23 A. No.</p> <p>24 MR. BEAUMONT: Object to form.</p>

15 (Pages 356 - 359)

<p style="text-align: right;">Page 360</p> <p>1 MR. KIMREY: Let's go off the record.</p> <p>2 THE VIDEOGRAPHER: Off the video record at</p> <p>3 10:33 a.m.</p> <p>4 (Discussion had off the</p> <p>5 record.)</p> <p>6 We are back on record at 10:33 a.m.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Do you see the post that begins with: "I</p> <p>9 know one of the things that has been helping me to curb</p> <p>10 any desires to binge eat"?</p> <p>11 A. Yes.</p> <p>12 Q. Did you write this post?</p> <p>13 A. Yes.</p> <p>14 Q. And did you write the post directly below the</p> <p>15 post by Diane Chucksondick which is lower on the page</p> <p>16 beginning with: "My husband"?</p> <p>17 A. Yes.</p> <p>18 Q. Did you intend for this to be public?</p> <p>19 A. No.</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I was replying to the person who sent the</p> <p>23 original comment.</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 362</p> <p>1 had the garage, we didn't get a sticker for our cars."</p> <p>2 Do you see that?</p> <p>3 A. Yeah.</p> <p>4 Q. Were you required by the City to have</p> <p>5 stickers for your cars at that time?</p> <p>6 A. We had just moved, so at the time I -- we</p> <p>7 were not living in the City.</p> <p>8 Q. You didn't live in the City when your car was</p> <p>9 in the garage?</p> <p>10 A. No. That -- I think we were --</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. -- living out in the suburbs.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Where'd you live?</p> <p>16 A. Shoot. I don't -- I don't really remember.</p> <p>17 It's six years ago.</p> <p>18 Q. If you lived out in the suburbs, why did you</p> <p>19 write here: "When we had the garage, we didn't get a</p> <p>20 City sticker for our cars"? Why would that even be</p> <p>21 relevant if your cars weren't even in the City?</p> <p>22 A. I don't know. Again, this is six years ago.</p> <p>23 I don't -- I don't remember every single detail of my</p> <p>24 life from six years ago. If it was --</p>
<p style="text-align: right;">Page 361</p> <p>1 Q. Are you aware that it is public?</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3</p> <p>4 BY THE WITNESS:</p> <p>5 A. I am now.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Okay. Let's go to: "Two questions."</p> <p>8 Do you see the post that begins: "Two</p> <p>9 questions," Ms. Lukis?</p> <p>10 A. Yes.</p> <p>11 Q. Did you write this post?</p> <p>12 A. Yes. Six years ago.</p> <p>13 Q. So you're responding to parking question for</p> <p>14 fellow Chicagoans; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. What are you giving advice on here?</p> <p>17 MR. BEAUMONT: Object to form and calls for</p> <p>18 legal conclusion.</p> <p>19 BY THE WITNESS:</p> <p>20 A. My personal knowledge of dealing with having</p> <p>21 to register a car.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Okay. And it says at the paragraph that</p> <p>24 begins with: "My husband." Second sentence: "When We</p>	<p style="text-align: right;">Page 363</p> <p>1 Q. Are you saying even though a sticker was</p> <p>2 required by the City when we had our cars in the garage,</p> <p>3 we didn't get a sticker because the police couldn't see</p> <p>4 the car when -- the cars when they were parked because</p> <p>5 they were in a garage not on the street but once we</p> <p>6 started parking on the street in the City after having</p> <p>7 parked in a garage in the City we had to get stickers</p> <p>8 because the cops could see --</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. -- our car on the street; whereas, they</p> <p>12 couldn't see the cars in the garage; isn't that what</p> <p>13 you're saying?</p> <p>14 BY THE WITNESS:</p> <p>15 A. I guess.</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Is the answer yes?</p> <p>19 A. I guess. I don't know.</p> <p>20 Q. Okay. So would your car not having a sticker</p> <p>21 in the garage or cars not having a sticker in a garage in</p> <p>22 the City of Chicago when you were a resident in Chicago</p> <p>23 be a violation of the law?</p> <p>24 MR. BEAUMONT: Object to form and calls for</p>

<p style="text-align: right;">Page 364</p> <p>1 legal conclusion.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I'm not a lawyer, so I don't know what --</p> <p>4 whether that would -- what the rule is. I know vaguely,</p> <p>5 but I don't know the exact legal terminology for</p> <p>6 requirements for City stickers.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. But you're providing advice about that in</p> <p>9 this post, aren't you?</p> <p>10 A. I'm talking about --</p> <p>11 MR. BEAUMONT: Objection, calls for legal</p> <p>12 conclusion.</p> <p>13 BY THE WITNESS:</p> <p>14 A. -- general knowledge.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. How often have you broken the law, Ms. Lukis?</p> <p>17 MR. BEAUMONT: Object to form and it also</p> <p>18 calls for legal conclusion.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I can think of it -- like two speeding</p> <p>21 tickets. I've never been -- never been to court for</p> <p>22 anything other than like two speeding tickets.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Anything else?</p>	<p style="text-align: right;">Page 366</p> <p>1 A. Yes.</p> <p>2 Q. Did you intend for it to be public?</p> <p>3 A. No.</p> <p>4 MR. BEAUMONT: Object to form.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Are you aware that it is public?</p> <p>7 A. Now I am.</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Okay. Second paragraph it says: "So one day</p> <p>11 one of the high school kids was working in the kitchen</p> <p>12 and while he was used to some of the shenanigans this guy</p> <p>13 pulled, apparently that day nothing was right for him.</p> <p>14 His fries were cold -- just pulled from the fryer</p> <p>15 especially for him -- his fish was cold, and the tartar</p> <p>16 sauce was bad, et cetera. After the third time remaking</p> <p>17 his sandwich and wasting two tubes of tartar sauce, the</p> <p>18 employee decided to mess with this guy. He took one of</p> <p>19 the tubes of tartar sauce and a cup to the back storage</p> <p>20 room out of sight of any cameras and proceeded to whack</p> <p>21 it in the cup and add tartar sauce to the mix." What do</p> <p>22 you mean by whack it in the cup?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 365</p> <p>1 A. As far as I can recall, that's all I've ever</p> <p>2 been to court for.</p> <p>3 Q. Have you ever lied to anybody?</p> <p>4 MR. BEAUMONT: Object to form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Seriously? Everybody on the planet has told</p> <p>7 somebody a white lie for something.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. So you have lied?</p> <p>10 A. If you're telling me that I never lied to</p> <p>11 anybody in my life, I would call you a liar.</p> <p>12 Q. So you have lied before?</p> <p>13 A. Yeah, to random people about stuff that's</p> <p>14 none of their damn business.</p> <p>15 Q. Have you ever defrauded anybody?</p> <p>16 A. No.</p> <p>17 MR. BEAUMONT: Object to form and calls for</p> <p>18 legal conclusion.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Okay. Let's go to: "So when I was in</p> <p>21 college." Do you see this post, Ms. Lukis, that begins</p> <p>22 with: "So when I was in college"?</p> <p>23 A. Yes.</p> <p>24 Q. Did you write this?</p>	<p style="text-align: right;">Page 367</p> <p>1 A. I found out that he was masturbating in the</p> <p>2 back room.</p> <p>3</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. "When he bought -- when he brought the new</p> <p>6 special sandwich to the customer, the customer was elated</p> <p>7 and ate every bit of the sandwich even licking the sauce</p> <p>8 off the wrapper." Did I read that accurately?</p> <p>9 A. Yes.</p> <p>10 Q. How do you know that?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Because after the fact -- after the fact we</p> <p>14 found out he did it and was fired immediately upon that</p> <p>15 situation, upon learning of that situation.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. How did you know the detail even licking the</p> <p>18 sauce off the wrapper?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Because the kid made the sandwich, watched</p> <p>22 him eat and told us about it.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Did you know that he was about to serve this</p>



<p style="text-align: right;">Page 368</p> <p>1 sandwich to the customer before he served it?</p> <p>2 A. Absolutely not.</p> <p>3 MR. BEAUMONT: Object to form.</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Let's go to: "A lot of portals in airports."</p> <p>6 Do you see the post that says -- that begins with: "A</p> <p>7 lot of portals in airports," Ms. Lukis?</p> <p>8 A. Yeah.</p> <p>9 Q. Did you write this?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you intend for it to be public?</p> <p>12 A. No.</p> <p>13 MR. BEAUMONT: Objection, form.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. What is a Deadalus plane?</p> <p>16 A. It's a plane hanging up in the Dulles</p> <p>17 Airport.</p> <p>18 Q. I don't understand. A plane hanging up?</p> <p>19 A. Just like it at the Air and Space Museum in</p> <p>20 D.C. where they have planes hanging from the ceiling,</p> <p>21 it's the same thing. It's just a plane hanging from the</p> <p>22 ceiling at Dulles Airport.</p> <p>23 Q. What are you referring to when you refer to a</p> <p>24 portal and capturing it in this post?</p>	<p style="text-align: right;">Page 370</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. Do you see where it says: "Hello, Redditors</p> <p>3 and people of the internet. This Reddit User Agreement</p> <p>4 applies to your access to use of the websites, mobile</p> <p>5 apps, widgets, APIs, e-mails and other on-line products</p> <p>6 and services collectively. The service is provided by</p> <p>7 Reddit, Inc." Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. By using the services did you agree to that?</p> <p>10 MR. BEAUMONT: Objection, calls for legal</p> <p>11 conclusion.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I didn't know I agreed to it.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Additionally, it says in the next paragraph,</p> <p>16 second sentence: "By accessing or using our services you</p> <p>17 agree to be bound by these terms. If you do not agree to</p> <p>18 these terms, you may not access or use the services." By</p> <p>19 using the services did you agree to that term?</p> <p>20 MR. BEAUMONT: Objection, legal conclusion.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Yes. I'd assume so.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Okay. Let's go forward. Start scrolling</p>
<p style="text-align: right;">Page 369</p> <p>1 A. I think it's --</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3</p> <p>4 BY THE WITNESS:</p> <p>5 A. -- a game I was playing at the time.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. What was the game?</p> <p>8 A. I don't remember. It was some -- it was some</p> <p>9 game where you go places and try to -- I think it was --</p> <p>10 might have been a Pokemon game. I don't remember.</p> <p>11 MR. KIMREY: Let's go off the record.</p> <p>12 THE VIDEOGRAPHER: Off the video record at</p> <p>13 10:42 a.m.</p> <p>14 (Discussion had off the</p> <p>15 record.)</p> <p>16 We are back on record at 10:43 a.m.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Do you see this Reddit User Agreement, Ms.</p> <p>19 Lukis?</p> <p>20 A. Yes.</p> <p>21 Q. By using Reddit did you agree to this?</p> <p>22 A. Yes.</p> <p>23 MR. BEAUMONT: Objection, calls for legal</p> <p>24 conclusion.</p>	<p style="text-align: right;">Page 371</p> <p>1 ahead in the document. Keep going. Keep going. Privacy</p> <p>2 Policy. There we go. Let's go back on -- are we --</p> <p>3 we're on the record.</p> <p>4 Do you see it says: "Reddit Privacy Policy,"</p> <p>5 Ms. Lukis?</p> <p>6 A. Yes.</p> <p>7 Q. By using Reddit did you agree to the privacy</p> <p>8 policy?</p> <p>9 MR. BEAUMONT: Objection, legal conclusion.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I would assume so.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Do you see all of the different kinds of</p> <p>14 information Reddit says that it collects? Let's scroll</p> <p>15 down. Account information, contact you submit, actions</p> <p>16 you take, transactional information, other information,</p> <p>17 do you see all of that?</p> <p>18 A. Yes.</p> <p>19 Q. Did you agree to that by using the service?</p> <p>20 MR. BEAUMONT: Objection, legal conclusion.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Yes.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. And then it says: "Information we collect</p>

<p style="text-align: right;">Page 372</p> <p>1 automatically," and it lists various categories. Did you  2 agree to that by using the services?  3 MR. BEAUMONT: Objection, legal conclusion.  4 BY THE WITNESS:  5 A. By using the service.  6 BY MR. KIMREY:  7 Q. So you did agree to it?  8 A. Yes.  9 Q. And then it says: "Information collected  10 from other sources." Did you agree to all of that by  11 using the service?  12 A. By using the service, yes.  13 Q. And then it says: "Information collected by  14 third parties." Did you agree to all of that by using  15 the service?  16 A. By using the service, yes.  17 MR. BEAUMONT: Objection, legal conclusion.  18 BY MR. KIMREY:  19 Q. And then it says: "We -- go down to: "We  20 use information about you too." Yes. Do you see that at  21 the bottom of the page?  22 A. Yes.  23 Q. And then there are bullet points. Do you see  24 that?</p>	<p style="text-align: right;">Page 374</p> <p>1 A. Yeah.  2 Q. Okay. And then the next paragraph: "When  3 you submit content," do you see that? It begins with:  4 "When you submit content."  5 A. Yes.  6 Q. Did you agree to that provision by using the  7 service?  8 MR. BEAUMONT: Same objection.  9 BY MR. KIMREY:  10 Q. Did you agree to that paragraph by using the  11 service?  12 A. I'm reading that paragraph. I -- by using  13 the service, I guess I did.  14 Q. Okay. And the next paragraph did you  15 agree -- the one that begins with: "Your Reddit," did  16 you agree to that paragraph by using the service?  17 MR. BEAUMONT: Legal conclusion.  18 BY THE WITNESS:  19 A. I guess.  20 BY MR. KIMREY:  21 Q. Okay. The next paragraph, did you agree to  22 that by using the service?  23 MR. BEAUMONT: Objection, legal conclusion.  24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 373</p> <p>1 A. Yes.  2 MR. BEAUMONT: Same objection.  3  4 BY MR. KIMREY:  5 Q. Did you agree to all of these uses by using  6 the service?  7 MR. BEAUMONT: Same objection.  8 BY THE WITNESS:  9 A. By using the service, yes.  10 BY MR. KIMREY:  11 Q. And do you see below the bullet points it  12 says: "Much of the information on the services is public  13 and accessible to everyone even without an account. By  14 using the services you are directing us to share this  15 information publicly and freely." Do you see that?  16 MR. BEAUMONT: Form.  17 BY THE WITNESS:  18 A. Yes.  19 BY MR. KIMREY:  20 Q. By using the services you agreed to that;  21 correct?  22 MR. BEAUMONT: Object to legal conclusion.  23 BY MR. KIMREY:  24 Q. Is that correct?</p>	<p style="text-align: right;">Page 375</p> <p>1 A. I don't know. I guess.  2 BY MR. KIMREY:  3 Q. Okay. Do you have a Tumblr account?  4 A. No.  5 Q. Go to "Your Choices." You see all these  6 choices Reddit says that you have?  7 A. Yes.  8 Q. Did you ever exercise any of these choices?  9 A. I don't accept cookies on my computer.  10 Q. Did you make that a setting within Reddit?  11 A. It's a setting within my web browser not  12 on -- I don't know if I changed it in Reddit or not, but  13 my computer does not allow cookies. My internet -- my  14 web pages don't allow cookies.  15 Q. Have you ever told Reddit to make your posts  16 private?  17 A. I didn't know they were public --  18 MR. BEAUMONT: Object to form.  19 BY THE WITNESS:  20 A. -- but I will be doing so now.  21 BY MR. KIMREY:  22 Q. Okay. Go to "Your rights." Do you see that  23 you can request a copy of the information Reddit has  24 about your account? Do you see that?</p>

<p style="text-align: right;">Page 376</p> <p>1 A. Yeah.</p> <p>2 Q. In responding to discovery in this case, have</p> <p>3 you requested a copy of your information from Reddit?</p> <p>4 A. No. I didn't know I was supposed to.</p> <p>5 Q. You are. Will you now and will you produce</p> <p>6 it in this case?</p> <p>7 A. Yeah, now that I know I have to.</p> <p>8 Q. Okay. You said that you were gonna change a</p> <p>9 bunch of things at Reddit. Keep in mind that before you</p> <p>10 change anything you have to preserve it as part of this</p> <p>11 case. Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Between the last deposition session and today</p> <p>14 did you change any settings on any of the websites we</p> <p>15 addressed during that session?</p> <p>16 A. No, I haven't because I -- after the -- we</p> <p>17 talked I ended up having stuff go down with my kid and I</p> <p>18 forgot all about it. I have the list on my -- saved on</p> <p>19 my computer. I'm going to go fix that.</p> <p>20 Q. Okay. So you haven't done anything since</p> <p>21 your last deposition session to change any privacy</p> <p>22 settings on any websites at all; correct?</p> <p>23 A. I didn't think I was allowed to.</p> <p>24 Q. Am I correct?</p>	<p style="text-align: right;">Page 378</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. You don't know whether by signing up for</p> <p>3 Credit Karma you agreed to their terms and conditions and</p> <p>4 privacy policy?</p> <p>5 A. I would believe so.</p> <p>6 Q. Okay. Let's turn to one, two, three, three</p> <p>7 pages in, "Terms of Service." Do you see at the top of</p> <p>8 the page it says: "Terms of Service," Ms. Lukis?</p> <p>9 A. Yes.</p> <p>10 Q. By using Credit Karma do you agree to these</p> <p>11 terms?</p> <p>12 MR. BEAUMONT: Objection, calls for legal</p> <p>13 conclusion.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I think so.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Okay. Let's go to the next page. Do you see</p> <p>18 at the top it says: "By accessing and using our services</p> <p>19 you are agreeing to these terms of service, our privacy</p> <p>20 statement, any applicable additional terms defined below</p> <p>21 and our community rules"? Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. By using Credit Karma did you agree to that?</p> <p>24 MR. BEAUMONT: Objection, calls for legal</p>
<p style="text-align: right;">Page 377</p> <p>1 A. Yeah.</p> <p>2 MR. KIMREY: Okay. Let's go off the record.</p> <p>3 THE VIDEOGRAPHER: Please stand by. Going off</p> <p>4 the video record at 10:50 a.m.</p> <p>5 (Discussion had off the</p> <p>6 record.)</p> <p>7 We are back on the record at 10:51 a.m.</p> <p>8 You may proceed.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Ms. Lukis, you have a Credit Karma account;</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. How long have you had a Credit Karma account?</p> <p>14 A. I have no idea.</p> <p>15 Q. Have you had it for a year?</p> <p>16 A. A couple years, I think.</p> <p>17 MR. BEAUMONT: Object to form.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Okay. By signing up for Credit Karma did you</p> <p>20 agree to its terms and conditions and privacy policy?</p> <p>21 MR. BEAUMONT: Calls for a legal conclusion.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I wouldn't know.</p> <p>24</p>	<p style="text-align: right;">Page 379</p> <p>1 conclusion.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I guess.</p> <p>4 MR. TOTH: Blaine, are we marking this as</p> <p>5 Exhibit 20?</p> <p>6 MR. KIMREY: We are.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Do you know whether Credit Karma shared your</p> <p>9 cell phone number with any third parties?</p> <p>10 MR. BEAUMONT: Form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. They don't have my cell phone number.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Are you sure Credit Karma does not have your</p> <p>15 cell phone number?</p> <p>16 A. I've never entered it into there. Not that I</p> <p>17 know of.</p> <p>18 Q. Did you agree to arbitrate any disputes</p> <p>19 related to Credit Karma?</p> <p>20 MR. BEAUMONT: Object to form. I'm sorry.</p> <p>21 Calls for legal conclusion.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I don't know. On there -- it says there</p> <p>24 dispute resolution and arbitration. I think that's what</p>

<p style="text-align: right;">Page 380</p> <p>1 that means.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Okay. Let's go to "How We Share</p> <p>4 Information -- How We Share Your Information." Do you</p> <p>5 know how Credit Karma makes money?</p> <p>6 A. No.</p> <p>7 Q. Do they charge you anything ever?</p> <p>8 A. No.</p> <p>9 Q. Keep going. Keep going. Yeah. So not Use,</p> <p>10 Share. Okay. So do you see this page says: "How We</p> <p>11 Share Your Information," Ms. Lukis?</p> <p>12 A. Yes.</p> <p>13 Q. And they say they share your information --</p> <p>14 Credit Karma says it shares your information with your</p> <p>15 consent when "you connect with an into it platform,</p> <p>16 partner or when you connect to your social media account</p> <p>17 for research, for joint features, sales, promotions and</p> <p>18 events with financial services, providers, when you</p> <p>19 publicly post the information, the service providers or</p> <p>20 agents, for mergers and acquisitions," et cetera. Do you</p> <p>21 see all of the different ways in which they say they</p> <p>22 share your information?</p> <p>23 A. Yes.</p> <p>24 Q. Did you agree to all of that in using Credit</p>	<p style="text-align: right;">Page 382</p> <p>1 been awhile.</p> <p>2 Q. Where would you look?</p> <p>3 A. I don't know. I'd have to go through</p> <p>4 Craigslist and look for it.</p> <p>5 Q. Okay. Has it been many years?</p> <p>6 A. A couple years at least, yeah.</p> <p>7 Q. Okay. Let's go to the second page. You see</p> <p>8 at the top it says: "We, Craigslist, Inc., hope you find</p> <p>9 it useful by accessing or otherwise interacting with our</p> <p>10 servers, services, websites, mobile app or any associated</p> <p>11 content postings together CL if you agree to these terms</p> <p>12 of use." Did I read that accurately?</p> <p>13 A. Yes.</p> <p>14 Q. In using Craigslist did you agree to that?</p> <p>15 MR. BEAUMONT: Objection, legal conclusion.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I guess.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Is that a yes?</p> <p>20 A. I guess. I -- I suppose so.</p> <p>21 Q. Let's go a few pages in to: "The data we</p> <p>22 collect, use and disclose." Do you see at number 2 on</p> <p>23 this page, Ms. Lukis, the heading: "Data we collect, use</p> <p>24 and disclose"?</p>
<p style="text-align: right;">Page 381</p> <p>1 Karma?</p> <p>2 MR. BEAUMONT: Objection, calls for legal</p> <p>3 conclusion.</p> <p>4</p> <p>5 BY THE WITNESS:</p> <p>6 A. I don't know. I guess.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Okay. Let's go to Deletion.</p> <p>9 I don't know if this is word searchable.</p> <p>10 It's a page with Deletion in the middle followed by</p> <p>11 non-verification. Keep going.</p> <p>12 Let's go off the record.</p> <p>13 THE VIDEOGRAPHER: Going off the video record</p> <p>14 at 10:56 a.m.</p> <p>15 (Discussion had off the</p> <p>16 record.)</p> <p>17 We are back on record at 11:02 a.m.</p> <p>18 You may proceed.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Ms. Lukis, an exhibit related to Craigslist</p> <p>21 has just been entered as Exhibit 21. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. When did you start using Craigslist?</p> <p>24 A. I don't know. I'd have to go look. It's</p>	<p style="text-align: right;">Page 383</p> <p>1 A. Yes.</p> <p>2 Q. And do you see all the different data types</p> <p>3 listed below that?</p> <p>4 A. Yeah.</p> <p>5 Q. And do you see that it includes phone number?</p> <p>6 A. Yeah.</p> <p>7 Q. Did you agree to disclosure of these data</p> <p>8 types --</p> <p>9 MR. BEAUMONT: Objection, calls for legal</p> <p>10 conclusion.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. -- on Craigslist?</p> <p>13 MR. BEAUMONT: I'm sorry. Objection, calls</p> <p>14 for legal conclusion.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I -- I guess so.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Okay. Have you ever -- let's go to</p> <p>19 "Contact." It's at the end. It's the last page. Have</p> <p>20 you ever -- do you see there it says, "Contact," and</p> <p>21 there's an e-mail address privacy@craigslist.org?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever sent an e-mail to that address?</p> <p>24 A. No.</p>

<p style="text-align: right;">Page 384</p> <p>1 Q. Have you ever asked Craigslist in any way to 2 remove any of your information from Craigslist's servers? 3 A. From their servers, I don't know, but I've 4 deleted posts off of there. 5 Q. What posts have you deleted off of 6 Craigslist? 7 A. When I was advertising to sell something. 8 Q. Okay. Have you ever had Craigslist remove 9 anything from your account? 10 A. Not to my knowledge. 11 MR. KIMREY: Let's go off the record. 12 THE VIDEOGRAPHER: Off the video record at 13 11:05 a.m. 14 (Discussion had off the 15 record.) 16 We are back on record at 11:09 a.m. 17 You may proceed. 18 BY MR. KIMREY: 19 Q. Ms. Lukis, do you see that what we're looking 20 at here on the screen is an e-mail from William Beaumont 21 who's currently defending you in this deposition to me 22 and Jonathon Reinisch, copy to Roberto Costales? Do you 23 see that? 24 A. Yes.</p>	<p style="text-align: right;">Page 386</p> <p>1 Q. On January 4th, 2021? 2 A. Yes. 3 Q. Okay. Scroll down or is this the end of the 4 exhibit? Does this history accurately reflect the 5 migration of this document? 6 A. Yeah. 7 Q. Okay. Let's go to the first PDF at 2.52. 8 MR. KIMREY: Let's go off the record. 9 THE VIDEOGRAPHER: Off the video record at 10 11:11 a.m. 11 (Discussion had off the 12 record.) 13 We are back on record at 11:13 a.m. 14 BY MR. KIMREY: 15 Q. Okay. So we were talking about the cover 16 e-mail, Ms. Lukis, that was entered with your 17 Verification of Interrogatories as Exhibit 22. 18 What we're looking at now has been marked as 19 Exhibit 23. Do you see that it starts with the same 20 cover e-mail? Do you see that? 21 A. Yes. 22 Q. And then attached to it is your engagement 23 letter for this case. Do you see that? 24 A. Yes.</p>
<p style="text-align: right;">Page 385</p> <p>1 Q. It's dated January 5th, 2021. Do you see 2 that? 3 A. Yes. 4 Q. Have you ever seen this e-mail before? 5 A. No. I know what it's -- know I talked about 6 it. 7 Q. Okay. And it says: "Attached is Plaintiff's 8 fee agreement." Do you see that? 9 A. Yes. 10 Q. Let's scroll down to the agreement. 11 Actually, so let's go back to the first page. Zoom in. 12 So the letter says it attaches a fee agreement or the 13 e-mail says it attaches a fee agreement, and it also says 14 it attaches Lukis' verification of her interrogatories. 15 Do you see that? 16 A. Yes. 17 Q. Okay. So let's go back to the verification. 18 So do you see Stephanie Lukis' Verification of Her 19 Interrogatory Responses? 20 A. Yes. 21 Q. Is that your signature on the signature line? 22 A. For what I can do on a phone, yes. 23 Q. So did you sign this document? 24 A. Yes.</p>	<p style="text-align: right;">Page 387</p> <p>1 Q. Do you recognize this document? 2 A. Yes. 3 Q. Is this, in fact, the engagement letter that 4 you entered into with Beaumont Costales to prosecute the 5 case you're giving a deposition in right now? 6 A. Yes. 7 Q. Do you know why the paragraph at the bottom 8 of the letter is redacted? 9 A. No. I do not have a copy of the letter right 10 now. 11 Q. Okay. So do you know what it says? I'm not 12 asking you to tell me what it says. I'm just -- do you 13 know what it says underneath the black? 14 MR. BEAUMONT: I have some clarification. 15 BY THE WITNESS: 16 A. I've read it before, but I couldn't recall 17 off the top of my head what it says. 18 BY MR. KIMREY: 19 Q. Your counsel's taken the position that 20 whatever's underneath that black is attorney/client 21 privileged and/or work product protected. Do you 22 understand that? 23 A. Yes, I understand that. 24 MR. KIMREY: Okay. Well, we don't think it</p>

<p style="text-align: right;">Page 388</p> <p>1 is, and we ask that the redaction be removed immediately</p> <p>2 and that this document be produced to us, and we'd like</p> <p>3 to use it without the redaction in this deposition. So</p> <p>4 if you're willing to do that, Mr. Beaumont, please do.</p> <p>5 Is that -- or if you're not, can you say that on the</p> <p>6 record?</p> <p>7 MR. BEAUMONT: I object to -- we object to</p> <p>8 unredacting this as it contains matters that are</p> <p>9 attorney/client privileged. We're fine to submit this</p> <p>10 document to the Court for an in-camera review if -- if</p> <p>11 that's what you'd like to do right now.</p> <p>12 MR. KIMREY: Yeah, we can't do it right now</p> <p>13 because the Court's -- you know, the Court's probably</p> <p>14 busy, but yes, let's do submit it, you know, ASAP for</p> <p>15 in-camera review, and if this redaction is ordered</p> <p>16 removed by Judge Feinerman, then we reserve the right to</p> <p>17 resume with the deposition for many reasons including but</p> <p>18 not limited to being able to ask Ms. Lukis about what's</p> <p>19 redacted there.</p> <p>20 Okay. Let's go off the record.</p> <p>21 THE VIDEOGRAPHER: Off the video record at</p> <p>22 11:16 a.m.</p> <p>23 (Discussion had off the</p> <p>24 record.)</p>	<p style="text-align: right;">Page 390</p> <p>1 account to your counsel to produce to us?</p> <p>2 A. Yeah, but it was -- it took awhile for</p> <p>3 Twitter to get it to me, so I didn't download it until</p> <p>4 like two days ago.</p> <p>5 Q. Do you know -- so you've provided the</p> <p>6 download from your Twitter account to your counsel which</p> <p>7 is -- but that was not produced to us as of January 4th;</p> <p>8 correct?</p> <p>9 A. I don't know. I don't know when they sent it</p> <p>10 to you.</p> <p>11 Q. When did you download the Twitter account?</p> <p>12 A. This past Sunday or Monday, I think.</p> <p>13 Q. Okay. So that was after January 4th; right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So let's go into this. I'd like to go</p> <p>16 to the document request responses at Page 10. So they</p> <p>17 are the first document after the cover letter at Page 10.</p> <p>18 Let's go off the record.</p> <p>19 THE VIDEOGRAPHER: Going off the video record</p> <p>20 at 11:19 a.m.</p> <p>21 (Discussion had off the</p> <p>22 record.)</p> <p>23 We are back on record at 11:22 a.m.</p> <p>24 BY MR. KIMREY:</p>
<p style="text-align: right;">Page 389</p> <p>1 We're back on record at 11:17 a.m.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Ms. Lukis, we've just entered Exhibit 24, and</p> <p>4 it begins with an e-mail from your counsel to us dated</p> <p>5 January 4th, 2021. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And it purports to forward a letter and</p> <p>8 Supplemental Discovery Responses. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. As well as documents Bates labeled 1 through</p> <p>11 2205. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Are you aware of your counsel producing any</p> <p>14 documents in this case to us before this e-mail?</p> <p>15 A. I know I sent a bunch of stuff over for him</p> <p>16 to forward to you.</p> <p>17 Q. What did you send -- and I believe that was</p> <p>18 basically your Facebook account and your LinkedIn</p> <p>19 account; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. And that's it; right? There was nothing</p> <p>22 else?</p> <p>23 A. Twitter.</p> <p>24 Q. Does this -- you provided your Twitter</p>	<p style="text-align: right;">Page 391</p> <p>1 Q. Ms. Lukis, do you see at interrogatory 8 we</p> <p>2 ask about social media accounts?</p> <p>3 A. Yes.</p> <p>4 Q. Do you see that? Do you have an Instagram</p> <p>5 account?</p> <p>6 A. No.</p> <p>7 Q. Do you have a TikTok account?</p> <p>8 A. No.</p> <p>9 Q. Do you have a Twitch account?</p> <p>10 A. No.</p> <p>11 Q. Have you ever had an Instagram, TikTok or</p> <p>12 Twitch account?</p> <p>13 A. Not to my knowledge. I don't think so.</p> <p>14 Q. Do you have or have you ever had a Vimeo</p> <p>15 account?</p> <p>16 A. Nope. Don't know what it is.</p> <p>17 Q. Have you ever had a Tumblr account?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. Have you ever had a Pinterest account?</p> <p>20 A. Nope.</p> <p>21 Q. Have you ever had a Google+ account?</p> <p>22 A. Yes.</p> <p>23 Q. Did you search your Google+ account in</p> <p>24 responding to discovery in this case?</p>



<p style="text-align: right;">Page 392</p> <p>1 A. No.</p> <p>2 Q. Have you ever had a Snapchat account?</p> <p>3 A. No.</p> <p>4 Q. Have you ever had a Tinder account?</p> <p>5 A. I'm not sure what that is, so I don't know.</p> <p>6 Q. Okay. Have you ever had a Flickr account?</p> <p>7 A. Don't have a clue what that is.</p> <p>8 Q. Do you -- have you ever had any social media</p> <p>9 accounts other than with Facebook, LinkedIn, Twitter and</p> <p>10 Reddit?</p> <p>11 A. I think I had a myspace account before --</p> <p>12 before Facebook, but I don't remember.</p> <p>13 Q. Anything beyond myspace?</p> <p>14 A. I don't think I've been on myspace in 15</p> <p>15 years.</p> <p>16 Q. Right. But have you had any social media</p> <p>17 accounts other than LinkedIn, Facebook, Reddit and</p> <p>18 myspace?</p> <p>19 A. No.</p> <p>20 MR. KIMREY: Go off the record.</p> <p>21 THE VIDEOGRAPHER: Please stand by. Off the</p> <p>22 video record at 11:24 a.m.</p> <p>23 (Discussion had off the</p> <p>24 record.)</p>	<p style="text-align: right;">Page 394</p> <p>1 to which they related to other things, and it's going to</p> <p>2 take me some time to figure out what objections are</p> <p>3 actually withdrawn since there were so many instructing</p> <p>4 her not to answer.</p> <p>5 And we've only agreed to my having three</p> <p>6 hours, you know, on the record subject to further relief</p> <p>7 from the Court here today, so I'm not going to jump into</p> <p>8 those issues because I'm not prepared to do so. I didn't</p> <p>9 know you were withdrawing those objections until right</p> <p>10 now.</p> <p>11 So we reserve the right to continue at a</p> <p>12 later date with Ms. Lukis' deposition, and to the extent</p> <p>13 you've withdrawn objections, you need to identify by page</p> <p>14 and line what objections are withdrawn because I need to</p> <p>15 know specifically what areas you're going to allow me to</p> <p>16 ask her about and have her answer about that you</p> <p>17 previously inappropriately instructed her not to answer.</p> <p>18 MR. BEAUMONT: It's your call.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Moving forward, Ms. Lukis, we're still on</p> <p>21 Exhibit Number 24, and on the screen is a blowup of</p> <p>22 interrogatory 10, your response, your original response</p> <p>23 to interrogatory 10 and then your supplemental response</p> <p>24 to interrogatory 10. Do you see that?</p>
<p style="text-align: right;">Page 393</p> <p>1 We are back on the record at 11:42 a.m.</p> <p>2 You may proceed.</p> <p>3 MR. KIMREY: Mr. Beaumont, you had something</p> <p>4 to say?</p> <p>5 MR. BEAUMONT: Yes. As discussed briefly</p> <p>6 during our break, I would like to withdraw instructions I</p> <p>7 provided not to answer questions concerning matters</p> <p>8 that -- such as the LARPing or other matters that I</p> <p>9 previously objected to on the grounds of harassment such</p> <p>10 as the vampires and going to -- going to colleges or</p> <p>11 events concerning -- concerning LARPing or that type of</p> <p>12 activity, so any of those questions that involve that,</p> <p>13 and it's my understanding that Ms. Lukis is fully</p> <p>14 prepared to talk about that should counsel so desires</p> <p>15 along with questions concerning the Minds Eye Society,</p> <p>16 Vampire of the Masquerade or her connections with Samuel</p> <p>17 Dietzmann.</p> <p>18 MR. KIMREY: As highlighted by the Rule 11</p> <p>19 letter that we transmitted to you, there were -- this is</p> <p>20 off the top of my head because I'm not looking at the</p> <p>21 letter right now, but there were almost 30 instructions</p> <p>22 not to answer during the deposition, and as I sit here</p> <p>23 right now, I don't know to what degree those related to</p> <p>24 LARP, vampires, your claims of harassment and the degree</p>	<p style="text-align: right;">Page 395</p> <p>1 A. Yes.</p> <p>2 Q. Did you provide input on these responses?</p> <p>3 A. Yes, I did.</p> <p>4 Q. Okay. You originally said -- so the</p> <p>5 interrogatory says: "Identify by date every time you</p> <p>6 have visited the Whitepages website at</p> <p>7 www.whitepages.com." And one of the reasons we've asked</p> <p>8 for this is it ties into whether you agree to Whitepages'</p> <p>9 Terms and Conditions and Privacy Policy. So it's our</p> <p>10 position that this is relevant and proportional to the</p> <p>11 needs of the case. Your original response was:</p> <p>12 "Plaintiff objects to this request as unduly burdensome</p> <p>13 as it requests Plaintiff provide information she does not</p> <p>14 recall." Do you now recall how many times you visited</p> <p>15 the Whitepages website?</p> <p>16 A. Once when I found out about it.</p> <p>17 Q. So in your entire life you visited the</p> <p>18 Whitepages website only once; is that correct?</p> <p>19 A. As far as I'm aware, yes. When I found out</p> <p>20 about the web page, I looked it up to see what</p> <p>21 information my mother could get about me.</p> <p>22 Q. But you have not searched for your browser</p> <p>23 history on any device to see whether there's any evidence</p> <p>24 of your having visited the Whitepages website on other</p>

<p style="text-align: right;">Page 396</p> <p>1 occasions; right?</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. No, I haven't.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. So I'm right in that regard; correct?</p> <p>7 A. You are correct. I haven't checked browsers.</p> <p>8 Q. Okay. You further said: "This request is</p> <p>9 further unduly burdensome as Defendant is in possession</p> <p>10 of this information." Did I read that accurately?</p> <p>11 A. Yes.</p> <p>12 Q. How is Whitepages in possession of this</p> <p>13 information?</p> <p>14 A. I don't know. I don't know everything about</p> <p>15 the website.</p> <p>16 Q. Okay. So you don't know whether Whitepages</p> <p>17 has this information or not; correct?</p> <p>18 MR. BEAUMONT: Form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. You have access to whenever somebody searches</p> <p>21 someone's name.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. What do you base that assumption on?</p> <p>24 A. Just my personal belief that that's one of</p>	<p style="text-align: right;">Page 398</p> <p>1 A. No, I don't know.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Okay. And here you say: "Subject to and</p> <p>4 without waiving the foregoing, Plaintiff has not visited</p> <p>5 the website located at www.whitepages.com since the</p> <p>6 filing of this lawsuit."</p> <p>7 A. No, I haven't.</p> <p>8 Q. The interrogatory doesn't ask you, does it,</p> <p>9 whether you visited the website after the filing of the</p> <p>10 lawsuit?</p> <p>11 MR. BEAUMONT: Form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Okay.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Does it --</p> <p>16 A. No.</p> <p>17 Q. -- say that?</p> <p>18 A. It asks every time I visited the web -- the</p> <p>19 website.</p> <p>20 Q. Why did you not just answer the question and</p> <p>21 say the single date you allegedly visited the website</p> <p>22 instead of saying I haven't visited it since I filed the</p> <p>23 lawsuit?</p> <p>24 A. I -- I don't -- I don't -- I'm not a lawyer,</p>
<p style="text-align: right;">Page 397</p> <p>1 the things that you guys store because it would be useful</p> <p>2 for you to know who's being researched.</p> <p>3 Q. Anything else?</p> <p>4 A. It's just my personal belief.</p> <p>5 Q. Do you believe that a visit to the site</p> <p>6 without a search for a name is saved by Whitepages?</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I don't know.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Okay. So you don't know whether visits, I'm</p> <p>12 not talking about searches of names, you don't know</p> <p>13 whether visits to the website are saved by Whitepages or</p> <p>14 not; correct?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. No.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. So I'm right in that regard?</p> <p>20 A. Yes, you're correct.</p> <p>21 Q. Okay. So you don't know whether this</p> <p>22 information is in the possession of Whitepages; right?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 399</p> <p>1 so I don't understand -- you're trying to get me to talk</p> <p>2 about legalese. I don't understand the question.</p> <p>3 Q. The question is actually in plain English.</p> <p>4 Why did you say you had not visited the website since the</p> <p>5 filing of the lawsuit in response to a question that</p> <p>6 asked you to identify by date every time you had visited</p> <p>7 the Whitepages website?</p> <p>8 A. I --</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I don't know.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Are you aware that we sent a Rule 11 letter</p> <p>14 to your counsel?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Rule 11 letter? Is that the thing that was</p> <p>18 sent over yesterday?</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. I don't know what your counsel sent to you,</p> <p>21 but we after your first deposition session sent a letter</p> <p>22 to your counsel saying that the first session of your</p> <p>23 deposition had clearly demonstrated that you were not</p> <p>24 adequate to serve as a class representative in this case</p>

<p style="text-align: right;">Page 400</p> <p>1 and if you proceeded with the case we would seek  2 sanctions from the Court against you and your counsel.  3 Does that ring any bells?  4 A. Yes.  5 Q. Okay. Do you intend to proceed with the case  6 despite our letter?  7 A. Yes.  8 MR. BEAUMONT: Object to form.  9 BY MR. KIMREY:  10 Q. Okay. In your supplemental response it says:  11 "Plaintiff visited Whitepages' website in 2018, and  12 Plaintiff does not recall the precise date or time." In  13 that response are you intending to say you visited the  14 site only once?  15 A. Yes. I went when I found out about the  16 website and was so disgusted by it. I never went back to  17 it again.  18 Q. Okay. And then you say: "See possibly also  19 Plaintiff's Bates Number 480." Do you see that?  20 A. Yes.  21 Q. Are you aware that 480 is a black box in your  22 production?  23 A. No.  24 MR. BEAUMONT: Object to form.</p>	<p style="text-align: right;">Page 402</p> <p>1 make that request. Okay.  2 So let's go to the document request  3 responses, same exhibit, Page 9. So actually Page 8. So  4 what we're highlighting is request 13, the response and  5 the supplemental response.  6 MR. BEAUMONT: Blaine, could we go off the  7 record real quick?  8 MR. KIMREY: Sure.  9 THE VIDEOGRAPHER: Going off the video record  10 at 11:54 a.m.  11 (Discussion had off the  12 record.)  13 Back on record at 11:54, a.m.  14 MR. KIMREY: Mr. Beaumont, you had something  15 to say?  16 MR. BEAUMONT: Yes. I believe that for  17 Plaintiff's Bates Number 480, what you were just  18 referring to, is, in fact, referring to Plaintiff's Bates  19 Number 460.  20 MR. KIMREY: Okay. So 480 may be a typo. So  21 I'll address 460 now.  22 BY MR. KIMREY:  23 Q. So we're looking at document request number  24 13 and the response, Ms. Lukis, the original response and</p>
<p style="text-align: right;">Page 401</p> <p>1 BY THE WITNESS:  2 A. I haven't read every single document on every  3 single file. I've read almost all of them, but I'm not  4 going to be logged into the Bates, so I wouldn't be able  5 to know which one it is.  6 BY MR. KIMREY:  7 Q. Well, we can't see 480 because it was  8 produced completely redacted. So why are you telling us  9 in the supplemental response to see something that you  10 produced that was completely redacted?  11 A. You would have to ask my attorney why that  12 line was included.  13 Q. What is at 480?  14 MR. BEAUMONT: Form.  15 BY THE WITNESS:  16 A. I -- I don't recall. I haven't looked -- I  17 don't -- I'm not logged -- currently logged into Bates,  18 so I can't tell you every single document that's on there  19 and what they are.  20 BY MR. KIMREY:  21 Q. Okay. Well, because you referred to 480 in  22 the supplemental response, we need to see 480, and we  23 can't see it because it was produced completely redacted,  24 so it needs to be produced immediately unredacted. And I</p>	<p style="text-align: right;">Page 403</p> <p>1 the supplemental response. Do you see that?  2 A. Yes.  3 Q. And request number 13 says: "All documents,  4 communications evidencing your access with Whitepages'  5 website, including documents showing how you discovered  6 that Whitepages uses your name, age, city of domicile and  7 the identity of relatives and advertisements on the  8 Whitepages website as alleged in paragraph 22 of the  9 Complaint." Did I read that accurately?  10 A. Yes.  11 Q. Originally you said: "Plaintiff objects to  12 this as the basis of Plaintiff's knowledge is irrelevant  13 to the claims and defenses presented." Do you stand by  14 that objection as you sit here today?  15 MR. BEAUMONT: Objection, legal conclusion.  16 BY THE WITNESS:  17 A. I wouldn't know. I'd have to ask my  18 attorney.  19 BY MR. KIMREY:  20 Q. So you're not willing to withdraw that  21 objection as you sit here today?  22 A. I'm not -- that is something that would -- I  23 would have to ask my attorney about.  24 Q. Okay. And then it says: "Plaintiff objects</p>

<p style="text-align: right;">Page 404</p> <p>1 to this request to the extent that it calls for documents 2 readily or more accessible to Defendant." But you don't 3 know what's accessible to Whitepages; correct? 4 MR. BEAUMONT: Objection, form. 5 BY THE WITNESS: 6 A. I would assume that you have better access to 7 your own website than I do. 8 BY MR. KIMREY: 9 Q. Okay. What is your assumption based on? 10 A. Personal opinion. 11 Q. Okay. And then you respond in a circular 12 fashion saying: "Subject to and without waiving the 13 foregoing, see the Complaint --" 14 A. Yes. 15 Q. "-- and the First Amended Complaint." Do you 16 know whether First Amended Complaint has been filed in 17 this case? 18 A. I believe so. I think it's one of the 19 documents I have on Bates. 20 Q. How did the First Amended Complaint change 21 the Complaint? 22 A. I'm not an attorney. I wouldn't be able to 23 tell you what the legalese that -- was that changed 24 between the Complaint and First Amended.</p>	<p style="text-align: right;">Page 406</p> <p>1 Q. When you say look in Bates, what do you mean? 2 A. I have -- I don't -- I think it is Bates. 3 It's -- I have access to a Dropbox of some sort that 4 lists all of the filings that I can go in and read the 5 PDFs. 6 Q. Okay. So in your supplemental response you 7 said: "Defendant states this request further seeks 8 Plaintiff's internet browsing history of Defendant's 9 website," and it says: "See Plaintiff's Bates Number 10 460." Do you see that? 11 A. Yes. 12 Q. Okay. Are you aware that 460 was produced to 13 us as a fully redacted black box? 14 MR. BEAUMONT: Objection, form. 15 BY THE WITNESS: 16 A. I wouldn't know. I would have to ask my 17 attorney what they submitted. 18 BY MR. KIMREY: 19 Q. Okay. Do you know what 460 is? 20 A. I don't have access to Bates right now. I 21 don't -- I can't look at it. I can't look it up. 22 Q. Did you give your attorneys anything that 23 could correspond to 460? 24 MR. BEAUMONT: Object to form.</p>
<p style="text-align: right;">Page 405</p> <p>1 Q. Okay. Were additional plaintiffs added? 2 A. I don't know. I currently don't have the 3 document in front of me. I wouldn't be able to tell you. 4 Q. Okay. So as you sit here today, you can't 5 testify about any differences between the Complaint and 6 the First Amended Complaint; correct? 7 MR. BEAUMONT: Objection, form. 8 BY THE WITNESS: 9 A. I'd have to go into -- log into Bates to be 10 able to check and see what they are, and I don't have 11 access to Bates right now. I'm not logged into Bates. 12 BY MR. KIMREY: 13 Q. But you believe that the First Amended 14 Complaint is the operative Complaint? 15 MR. BEAUMONT: Objection, form. 16 BY THE WITNESS: 17 A. I would have to ask my attorney what's going 18 on. 19 BY MR. KIMREY: 20 Q. Okay. Do you know whether there are other 21 complaints beyond the Complaint and First Amended 22 Complaint? 23 A. I don't know. I'd have to look in Bates to 24 see what's there.</p>	<p style="text-align: right;">Page 407</p> <p>1 BY THE WITNESS: 2 A. I don't know what's on the document, so I 3 don't know, not without referring to the document. 4 5 BY MR. KIMREY: 6 Q. Further states: "Plaintiff may have a hard 7 drive containing her internet browsing history. However, 8 producing her browsing history, if any, from the hard 9 drive is unduly burdensome as Plaintiff does not have the 10 present capability to operate the hard drive." Did I 11 read that accurately? 12 A. Yes. 13 Q. Can we have the hard drive to image it? 14 A. Hell no. 15 MR. BEAUMONT: Objection, form. 16 BY THE WITNESS: 17 A. I'm not giving you a hard drive just so that 18 way you can copy it. There's maybe stuff on there that I 19 don't want anybody to have access to it. 20 BY MR. KIMREY: 21 Q. Okay. Are you willing to have a third-party 22 forensics vendor image your hard drive and then have 23 search terms agreed to by counsel run against it and then 24 have only the material that is relevant and proportional</p>

<p style="text-align: right;">Page 408</p> <p>1 to the needs of the case from the hard drive produced to 2 us? 3 MR. BEAUMONT: Form. 4 5 BY THE WITNESS: 6 A. I'd have to -- I would have to know who's 7 doing it, who's doing the search and what you're 8 searching because I'm not just going to hand my hard 9 drive over to any party to let them download an entire 10 copy of my hard drive. 11 BY MR. KIMREY: 12 Q. Do you agree that your browser history is 13 relevant to this case? 14 A. Yes, but giving you a full two terabyte hard 15 drive or one ter -- yeah, two terabyte hard drive for you 16 to download an entire copy of it is a violation of my 17 personal privacy. I don't know what books, e-mails, 18 content may be on that hard drive, and I'm not just going 19 to hand it over for you -- for somebody else to go 20 complete a -- make a complete copy of it and then hand it 21 over to you. 22 Q. And you won't even search it yourself; right? 23 A. I can't. 24 MR. BEAUMONT: Objection, form.</p>	<p style="text-align: right;">Page 410</p> <p>1 You may proceed. 2 BY MR. KIMREY: 3 Q. Ms. Lukis, what we're looking at right now 4 has been entered as Exhibit 25 in the deposition, and you 5 can see that it's an e-mail from your counsel to us as 6 counsel for Whitepages dated January 4th of this year at 7 4:44:32 p.m. Do you see that? 8 A. Yes. 9 Q. And do you recall that you sat for the 10 original session of your deposition starting at 9:30 a.m. 11 on January 5th? 12 A. Do I remember what? 13 Q. Do you recall sitting for the first session 14 of your deposition in this case starting at 9:30 a.m. 15 Central on January 5th, 2021? 16 A. Yes. 17 Q. Okay. So this is less than 24 hours before 18 your deposition started; correct? 19 A. Yes. 20 MR. BEAUMONT: Objection, form. 21 BY MR. KIMREY: 22 Q. And you can see that it says: "In the links 23 below you will find Plaintiff's Bates numbers 1 through 24 2205." Do you see that?</p>
<p style="text-align: right;">Page 409</p> <p>1 BY THE WITNESS: 2 A. I don't have a computer that has a 3 motherboard that I can attach the web -- the hard drive 4 to. If you want to buy me a new computer and monitor 5 with a motherboard and a video card so I can access that 6 hard drive, sure, I'll do it, but I don't have a computer 7 that can access that hard drive. 8 MR. KIMREY: Yeah so, again, counsel, this 9 alleged punitive class representative hasn't searched a 10 single digital device for anything related to this case. 11 All she's done is produced information from Facebook, 12 LinkedIn and Twitter and that's it, and it's clearly 13 inadequate and clearly inconsistent with the Rules of 14 Civil Procedure and inconsistent with her obligations as 15 a purported class rep to produce material that is 16 relevant to the case and proportional to the needs of the 17 case. 18 Let's go off the record. 19 THE VIDEOGRAPHER: Off the video record at 20 12:02 p.m. 21 (Discussion had off the 22 record.) 23 Good afternoon. We are going back on the 24 video record at 12:06 p.m.</p>	<p style="text-align: right;">Page 411</p> <p>1 A. Yes. 2 Q. Okay. Do you have any reason to believe that 3 any document production was made by your counsel in this 4 case before this e-mail? 5 MR. BEAUMONT: Objection, form. 6 BY THE WITNESS: 7 A. I wouldn't know. I'd have to ask him. 8 BY MR. KIMREY: 9 Q. Well, this was the first production by your 10 counsel in the case less than 24 hours before your 11 deposition, and you can tell because it starts with Bates 12 number 1, so that's the first document produced in this 13 case, Bates number 1. And if you scroll forward, so go 14 down. So this is an index of all of the documents that 15 were produced with this e-mail less than 24 hours before 16 your deposition commenced, and if you scroll forward, you 17 can see all of -- go ahead and scroll through the entire 18 document -- how many different folders there were and how 19 voluminous the production was. Do you see that? 20 A. Yes. 21 Q. Do you have any reason to believe that this 22 index does not accurately reflect what your counsel 23 produced on January 4th of this year? 24 A. No. I believe it's what he produced.</p>

<p style="text-align: right;">Page 412</p> <p>1 Q. Okay. So let's enter Exhibit 26 which is 2,  2 sub 18. Okay. This is the range of documents that  3 includes Bates 480 and Bates 460. The range is Bates 281  4 through 1113. And if you at look it printed out, it  5 looks like this. That's how thick it is (indicating).  6 Okay. So can you see based on my camera that this is  7 about two and a half inches thick?  8 A. Approximately.  9 Q. Okay. And it looks like -- and you can  10 scroll through the document, but it looks like -- let's  11 see if I can do this backwards. It looks like this.  12 It's just black box after black box after black box.  13 MR. BEAUMONT: Form.  14 BY MR. KIMREY:  15 Q. Do you know whether you intended to produce  16 this exhibit which is roughly two and a half pages thick  17 if you print it out totally redacted?  18 MR. BEAUMONT: Objection, form.  19 BY MR. KIMREY:  20 Q. Is that what you intended?  21 A. I would have to ask my attorney what is on --  22 what is on the documentation that would be redacted.  23 Q. Okay. Well, your interrogatories -- your  24 supplemental interrogatory responses and your</p>	<p style="text-align: right;">Page 414</p> <p>1 You may proceed.  2 BY MR. KIMREY:  3 Q. Okay. So let's enter Exhibit 27 which is sub  4 folder 2.19. All right, Ms. Lukis. This is part of the  5 Facebook-related production that you testified you pulled  6 roughly three days before the beginning of your  7 deposition on January 5th and that your counsel produced  8 on the eve of the deposition. And you can see up at the  9 top that's your picture; correct?  10 A. Yes.  11 Q. And this information that is in this Exhibit  12 27 is from your Facebook account; is that right?  13 A. It looks like it.  14 Q. Is this information that you pulled for  15 production in this case?  16 A. If it's a part of my Facebook profile, yes.  17 Q. Okay. Do you see at the top of the first  18 page it says: "Advertisers who uploaded a contact list  19 with your information, advertisers who run ads using a  20 contact list they uploaded that includes contact info you  21 shared with them or with one of their data partners"? Do  22 you see that?  23 A. Yes.  24 Q. So this says that Facebook believes you</p>
<p style="text-align: right;">Page 413</p> <p>1 supplemental document request responses direct us to  2 documents within this range that allegedly are Bates  3 stamped 460 and 480, and we can't see them. There's been  4 no privilege log produced in the case. We've been  5 provided no justification for why this is entirely  6 redacted. It should be produced unredacted, and we  7 reserve the right to continue your deposition after today  8 so we can question you about these documents which  9 presumably were produced by you because you concluded  10 they were relevant and proportional to the needs of the  11 case, and they're specifically cross-referenced in your  12 interrogatory and document request responses as things we  13 should look at to understand when, how, why, et cetera,  14 you visited the Whitepages website, but they give us no  15 understanding because they're completely black. Do you  16 understand that?  17 A. Yes.  18 MR. BEAUMONT: Objection, form.  19 MR. KIMREY: Okay. Let's go off the record.  20 THE VIDEOGRAPHER: Off the video record at  21 12:11 p.m.  22 (Discussion had off the  23 record.)  24 We are back on record at 12:14 p.m.</p>	<p style="text-align: right;">Page 415</p> <p>1 shared your contact information with all of these  2 entities in this list for advertising purposes; is that  3 true? Is that what you did?  4 A. No.  5 MR. BEAUMONT: Objection to form.  6 BY MR. KIMREY:  7 Q. Why is that not true?  8 A. I don't recognize most of the names on there,  9 so I have no idea who they are.  10 Q. Okay.  11 A. I recognize 1800 Tequilla and that's about  12 it. It also says it's got data from their data partners,  13 so who knows who their data partners are.  14 Q. Okay. So as you scroll through this, it  15 lists, keep scrolling, in alpha order perhaps over 1,000  16 companies that Facebook says you gave consent to run  17 ads using your contact list that includes contact  18 information for you shared with them or with one of their  19 data partners. That's what Facebook is saying. Do you  20 understand that?  21 A. Yes.  22 MR. BEAUMONT: Object to form.  23 BY MR. KIMREY:  24 Q. But your position is that Facebook is wrong?</p>



<p style="text-align: right;">Page 416</p> <p>1 MR. BEAUMONT: Object to form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. No. My position is they could have gotten</p> <p>4 this information from any of their data partners. I have</p> <p>5 no idea who Facebook buys and sells their information</p> <p>6 from.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Okay. So, again, at the top it says:</p> <p>9 "Advertisers who uploaded a contact list with your</p> <p>10 information," and then it says: "Advertisers who run ads</p> <p>11 using a contact list they uploaded that includes contact</p> <p>12 info you," you, Stephanie Lukis, "shared with them or you</p> <p>13 shared with one of their data partners." Do you</p> <p>14 understand that?</p> <p>15 A. Yes.</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Okay.</p> <p>19 A. It also means --</p> <p>20 Q. Facebook is taking the position that you</p> <p>21 shared your contact list with all of these entities as</p> <p>22 well as with their data partners, and your position is</p> <p>23 that Facebook is lying; is that right?</p> <p>24 MR. BEAUMONT: Object to form.</p>	<p style="text-align: right;">Page 418</p> <p>1 Whitepages got your information; correct?</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3</p> <p>4 BY THE WITNESS:</p> <p>5 A. That doesn't explain how Whitepages got my</p> <p>6 addresses I haven't lived at in years, family members I'm</p> <p>7 connected to I'm not linked in to on Facebook or anywhere</p> <p>8 else.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Please answer the question. Is it possible</p> <p>11 that Whitepages got your information from one of the</p> <p>12 entities listed in this exhibit?</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I wouldn't know.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Okay. And is it possible you consented to</p> <p>18 the sharing of your information by these entities with</p> <p>19 Whitepages for advertising purposes?</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't know.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Is it possible that you actually provided</p>
<p style="text-align: right;">Page 417</p> <p>1 BY THE WITNESS:</p> <p>2 A. No. It says advertisers uploaded a contact</p> <p>3 list my name was a part of.</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. That's not what it says. What it says is:</p> <p>6 "Advertisers who run ads using a contact list they</p> <p>7 uploaded that includes contact info you shared with them</p> <p>8 or with one of their data partners." This is saying you</p> <p>9 shared your contact information with these entities and</p> <p>10 their data partners for advertising. Is that incorrect?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I wouldn't know who they -- who their data</p> <p>14 partners are, who bought and sold the information, so I</p> <p>15 don't know.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. But it's possible you did provide the consent</p> <p>18 for sharing for advertising purposes as set forth by</p> <p>19 Facebook in this exhibit; correct?</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I -- I don't know.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Okay. And it's possible that that is how</p>	<p style="text-align: right;">Page 419</p> <p>1 written consent to Whitepages to use your information to</p> <p>2 advertise?</p> <p>3 A. No.</p> <p>4 MR. BEAUMONT: Object to form.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Why is that?</p> <p>7 A. Because I've only been on Whitepages once,</p> <p>8 and I never logged in for an account there, so I never</p> <p>9 gave you permission to use my information.</p> <p>10 Q. Did you give permission to any of these</p> <p>11 entities to share information about you with whoever they</p> <p>12 want?</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't know.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Is it possible that you did consent to</p> <p>18 sharing of your information by one of these entities and</p> <p>19 to sharing by them with others for advertising purposes</p> <p>20 and they shared your information pursuant to that written</p> <p>21 consent ultimately with Whitepages which Whitepages then</p> <p>22 used to advertise?</p> <p>23 MR. BEAUMONT: Object to form and -- actually,</p> <p>24 just -- my objection is just objection, form.</p>

<p style="text-align: right;">Page 420</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't know.</p> <p>3</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. So you don't know as you sit here today</p> <p>6 whether Whitepages had your or an authorized</p> <p>7 representative of yours written consent to use your</p> <p>8 information to advertise; right?</p> <p>9 MR. BEAUMONT: Objection. Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. You're asking me if I know any website I've</p> <p>12 ever been to if they've sold my information. That's</p> <p>13 something I just don't know.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. And you don't know whether they shared your</p> <p>16 information for advertising purposes by others pursuant</p> <p>17 to written consent that you gave them; right? You just</p> <p>18 don't know?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I don't know. I don't know who their data</p> <p>22 partners are, so I don't know who they -- who they sold</p> <p>23 the information to.</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 422</p> <p>1 pursuant to your opting into Facebook's terms and your</p> <p>2 opting into Facebook's privacy policy and consenting to</p> <p>3 widespread distribution of your data to third parties for</p> <p>4 purposes of their use for advertising. That's what</p> <p>5 occurred. Do you disagree with that?</p> <p>6 MR. BEAUMONT: Object to form and calls for</p> <p>7 legal conclusion.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I don't know. I'm not a lawyer. I couldn't</p> <p>10 answer the legality of what -- of their data partners and</p> <p>11 who they are.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Okay. So you don't know what you consented</p> <p>14 to and what you didn't consent to; is that right?</p> <p>15 A. I don't --</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I said I don't know who their data partners</p> <p>19 are, and I don't -- so I wouldn't know who I consented to</p> <p>20 to give this information.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Okay.</p> <p>23 A. I don't -- I'm probably going to be deleting</p> <p>24 Facebook after this because they're selling my</p>
<p style="text-align: right;">Page 421</p> <p>1 Q. And it's possible that their -- they would</p> <p>2 take the position that by virtue of your sharing of the</p> <p>3 information via Facebook you provided written consent to</p> <p>4 them to share your data with others for purposes of</p> <p>5 advertising by those others; correct?</p> <p>6 A. No.</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Why not?</p> <p>10 A. I -- I'm a private person. I don't give out</p> <p>11 my information willy nilly, and I would not -- I would</p> <p>12 not knowingly tell somebody yes, they can sell my</p> <p>13 information to someone else.</p> <p>14 Q. Okay. But Facebook says you gave your</p> <p>15 information to all of these entities which seems pretty</p> <p>16 willy nilly and --</p> <p>17 A. Again, I didn't give permission for all of</p> <p>18 these websites to get it. They got it from their data</p> <p>19 partners, and I don't know who those are.</p> <p>20 Q. That's not what this says. Again, what it</p> <p>21 says is advertisers who run ads using a contact list they</p> <p>22 uploaded that includes contact info you shared, that's</p> <p>23 you, Stephanie Lukis, shared with them or with one of</p> <p>24 their data partners, so the sharing occurred by you</p>	<p style="text-align: right;">Page 423</p> <p>1 information out, and I didn't know they were doing that</p> <p>2 and I talked to --</p> <p>3 Q. Do not delete Facebook without preserving it.</p> <p>4 Let's move onto the next exhibit. This is</p> <p>5 220 which is going to be marked as Exhibit 28. Actually,</p> <p>6 let's -- I'm sorry. Let's go back to that prior exhibit.</p> <p>7 A. I don't even know who any of these people</p> <p>8 are.</p> <p>9 MR. KIMREY: Let's go off the record.</p> <p>10 THE VIDEOGRAPHER: Off the video record at</p> <p>11 12:24 p.m.</p> <p>12 (Discussion had off the</p> <p>13 record.)</p> <p>14 We are back on record at 12:25 p.m.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Okay. So let's go to Exhibit 28 which is</p> <p>17 220, I believe. Yes. Okay. This also was part of your</p> <p>18 Facebook-related production on the eve of your first</p> <p>19 deposition session, Ms. Lukis, and this is Bates 00001</p> <p>20 which is weird but setting that aside. Do you see your</p> <p>21 picture at the top?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see that it says: "Face recognition"?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 424</p> <p>1 Q. And it says: "Your face recognition settings 2 allow you to choose if you want Facebook to be able to 3 recognize you in photos and videos." Do you see that? 4 A. Yes. 5 Q. Do you know whether your face recognition 6 settings, in fact, allow Facebook to recognize you in 7 photos and videos? 8 A. No. My Facebook settings do not allow 9 people -- the only way I'm known in pictures is if 10 somebody tags me. 11 Q. Okay. Have your Facebook settings or has 12 your Facebook account ever been open? 13 A. No. 14 MR. BEAUMONT: I'm sorry. Can you -- can you 15 repeat that? I wasn't -- I didn't hear the question. I 16 apologize. 17 MR. KIMREY: She already answered it. 18 BY THE WITNESS: 19 A. No, my Facebook settings have never been 20 allowed to have facial recognition working on my 21 Facebook. 22 BY MR. KIMREY: 23 Q. Okay. That's not the question. I asked you 24 whether they had ever been opened, and you said --</p>	<p style="text-align: right;">Page 426</p> <p>1 A. Yes. 2 Q. That's your current cell phone number; right? 3 A. Yes. 4 Q. That's the cell phone number that you didn't 5 want your mom to find; correct? 6 A. Yes. 7 Q. That's the cell phone number that you said is 8 private; correct? 9 A. Yes. 10 MR. BEAUMONT: Object to form. 11 BY MR. KIMREY: 12 Q. You shared that cell phone number with 13 Facebook. That's why they produced it back to you; is 14 that correct? 15 A. Yes. 16 Q. Okay. Given the wide distribution rights 17 Facebook has, do you really have a reasonable expectation 18 of privacy in that cell phone number given that you gave 19 it to Facebook? 20 A. Yes. 21 MR. BEAUMONT: Object to form. 22 BY MR. KIMREY: 23 Q. Why is that? 24 A. Because I didn't -- my phone number is listed</p>
<p style="text-align: right;">Page 425</p> <p>1 A. No. 2 Q. -- no. 3 Have you ever told anybody that your Facebook 4 settings aren't open? 5 A. No. 6 MR. BEAUMONT: I object to the previous two 7 questions as to form. 8 BY MR. KIMREY: 9 Q. Okay. Let's move onto 28 which is 220. 10 MR. TOTH: We're on 220. 11 MR. KIMREY: Oh, we are. Okay. Is that 28? 12 Is that Exhibit 28? 13 MR. TOTH: Yes, it is. 14 MR. KIMREY: Okay. Let's go to 221, Exhibit 15 29. 16 BY MR. KIMREY: 17 Q. Okay. This is another part of your 18 production, Ms. Lukis. It has a Bates of 3 on it in the 19 lower right-hand corner. You see your name on there? 20 A. Yes. 21 Q. And you see your profile picture? 22 A. Yes. 23 Q. Do you see down below it says your phone 24 number?</p>	<p style="text-align: right;">Page 427</p> <p>1 as private. Nobody can actually search me by my phone 2 number or even see my phone number on my profile, so I 3 assumed that that was not something that they were giving 4 away willy nilly. 5 Q. What was that assumption based on? 6 A. Personal opinion, when they -- 7 MR. BEAUMONT: Form. 8 BY MR. KIMREY: 9 Q. Anything else? 10 A. -- ask you if you want your phone number to 11 be listed as private and you say yes. 12 Q. Is it based on anything other than personal 13 opinion? 14 A. No. 15 MR. BEAUMONT: Object to form. 16 BY MR. KIMREY: 17 Q. Okay. Let's move to Exhibit, I think it's, 18 30, and we're at 223. Okay. So this is another part of 19 your production from Facebook on the eve of your first 20 deposition session. It's Bates 52 through 64. At the 21 top you can see your profile picture; correct? 22 A. Yes. 23 Q. And below that it says: "Your Address 24 Books." Do you see that?</p>

<p style="text-align: right;">Page 428</p> <p>1 A. Yes.</p> <p>2 Q. And it says: "Contact information you've</p> <p>3 added for friends and other people." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. So did you add all of this contact</p> <p>6 information in this exhibit to Facebook?</p> <p>7 A. No. I don't know who half of these names are</p> <p>8 that I can just see on this first page.</p> <p>9 Q. So these just magically appeared as something</p> <p>10 Facebook thinks that you uploaded?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I -- I don't know. I don't recognize these</p> <p>14 names or numbers so --</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Okay. Let's go to 53. Do you recognize</p> <p>17 the -- so Bates stamp 53 of this same exhibit. Do you</p> <p>18 recognize at the bottom the second to the last entry, Dr.</p> <p>19 Zhang? Do you recognize that?</p> <p>20 A. Nope.</p> <p>21 Q. Do you recognize the reference to neuropsych?</p> <p>22 A. No.</p> <p>23 Q. Okay. Do you recognize -- keep going to Page</p> <p>24 54, Bates 54. Do you recognize at the top Inova Primary</p>	<p style="text-align: right;">Page 430</p> <p>1 A. I logged into Facebook on my phone.</p> <p>2 Q. Okay. And by doing so did you share your</p> <p>3 contact information on your phone with Facebook?</p> <p>4 A. No.</p> <p>5 Q. How did it get to Inova Primary Care?</p> <p>6 A. I don't know.</p> <p>7 MR. BEAUMONT: Form.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Is it possible they got it from you because</p> <p>10 you gave it to them?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I didn't give them access to all of my phone</p> <p>14 numbers and my contact lists on my cell phone.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Okay. But it says at the beginning of this</p> <p>17 exhibit, doesn't it: "Contact information you've added</p> <p>18 for friends and other people," and you in that sentence</p> <p>19 is you, Stephanie Lukis; correct?</p> <p>20 A. I would assume so.</p> <p>21 Q. Okay. So Facebook was just lying? You</p> <p>22 didn't upload this data?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 429</p> <p>1 Care?</p> <p>2 A. Yes.</p> <p>3 Q. Who is that?</p> <p>4 A. That is -- was my doctor when I lived in</p> <p>5 northern Virginia. That was his office.</p> <p>6 Q. Okay. And did you upload that to Facebook?</p> <p>7 A. No.</p> <p>8 MR. BEAUMONT: Form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. How did Facebook get it?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Probably through one of their partners. I</p> <p>14 put it into my cell phone which is an Android phone which</p> <p>15 is linked to Google.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Okay. And did you link your Android cell</p> <p>18 phone and Google to Facebook?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I don't know.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Okay. So it's possible you did, in fact,</p> <p>24 link your phone and your Google accounts to Facebook?</p>	<p style="text-align: right;">Page 431</p> <p>1 A. When I'm -- when I'm looking at names on here</p> <p>2 that I've never seen before, that I have no idea who they</p> <p>3 are, that I don't recall ever having in my -- in my own</p> <p>4 phone -- like I have no idea who Paul Boots is.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Okay. Can you search in your phone right now</p> <p>7 to see if he's listed in your contacts?</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Search Boots.</p> <p>11 Note for the record, and it's on video, Ms.</p> <p>12 Lukis is searching her phone for Paul Boots.</p> <p>13 Is he there?</p> <p>14 A. No results found.</p> <p>15 Q. Okay. Possibly he was there at one time and</p> <p>16 he is now gone?</p> <p>17 A. No.</p> <p>18 MR. BEAUMONT: Objection, form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I don't know anybody named Paul Boots.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Okay. Let's go to 54. Do you see where it</p> <p>23 says: "My Psychiatry" on Bates 54? One more page down.</p> <p>24 Yeah, right in the middle.</p>

<p style="text-align: right;">Page 432</p> <p>1 A. Yeah.</p> <p>2 Q. Do you recognize that number?</p> <p>3 A. Nope.</p> <p>4 Q. Is it possible that number is in your</p> <p>5 contacts?</p> <p>6 A. Nope.</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Okay. Next page, 55. Do you see "Debbie</p> <p>10 Egan" at the top?</p> <p>11 A. Yep.</p> <p>12 Q. Is that your mom?</p> <p>13 A. Yep.</p> <p>14 Q. Is that your mom's number?</p> <p>15 A. Don't know.</p> <p>16 Q. Is it possible that (703) 476-2866 was your</p> <p>17 mom's number as of December 22nd, 2017 at 11:18 p.m.?</p> <p>18 A. Could have been.</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Is it possible Facebook got that number from</p> <p>22 you at that time?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 434</p> <p>1 Q. Okay.</p> <p>2 A. I don't know the minutia for Facebook and how</p> <p>3 they do everything. Who the hell --</p> <p>4 Q. What about 56? What are you reacting to?</p> <p>5 Why were you saying what the hell?</p> <p>6 A. I'm trying to figure out who Benjamin Tansur</p> <p>7 is. Never even heard of him.</p> <p>8 Q. Okay. Page 56, Bates 56. Do you see at the</p> <p>9 bottom there it says "Sean Egan"?</p> <p>10 A. Yes.</p> <p>11 Q. Who is that?</p> <p>12 A. That's Debbie's stepson.</p> <p>13 Q. Okay. How did Facebook get that number?</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I don't know.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Is it possible they got it from you?</p> <p>19 MR. BEAUMONT: Form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I don't know.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Okay.</p> <p>24 A. I don't think I've ever --</p>
<p style="text-align: right;">Page 433</p> <p>1 A. I believe they got it for her because her</p> <p>2 Facebook account was linked to mine at the time.</p> <p>3</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Why was her Facebook account linked to yours</p> <p>6 at the time?</p> <p>7 A. Because she was listed on my friends list,</p> <p>8 and my friends had access to my -- my contact information</p> <p>9 if they're not blocked.</p> <p>10 Q. Okay. So your friends have access to your</p> <p>11 full cell phone contacts if they're on --</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. No.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. What?</p> <p>17 A. No.</p> <p>18 Q. What do you mean by they have contact -- they</p> <p>19 have access to your contacts?</p> <p>20 A. They -- they -- my friends' settings on my</p> <p>21 Facebook account allow people to see my e-mail address.</p> <p>22 Q. But how did Facebook get your mom's number?</p> <p>23 A. Probably because she gave them permission and</p> <p>24 when I linked my account -- I don't know.</p>	<p style="text-align: right;">Page 435</p> <p>1 Q. At Page 57, Bates 57, do you see there toward</p> <p>2 the top it says "Marty Egan"?</p> <p>3 A. Yes.</p> <p>4 Q. Who's that?</p> <p>5 A. My -- Debbie's sixth husband.</p> <p>6 Q. Okay. And is it possible that's his number</p> <p>7 or it was his number as of May 23rd, 2017?</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I don't know.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. How did Facebook get that?</p> <p>13 A. I don't know.</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY MR. KIMREY:</p> <p>16 Q. Do you think they got it from you?</p> <p>17 A. I don't know.</p> <p>18 MR. BEAUMONT: Object to form.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Okay. Moving on, 58, Bates 58. Do you see</p> <p>21 "Paul Lukis" right there?</p> <p>22 A. Yes.</p> <p>23 Q. Is that your husband?</p> <p>24 A. Yes.</p>

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1 Q. Was that his number as of May 23rd, 2017?

2 A. I think so.

3 Q. Okay. How did Facebook get that?

4 A. I don't know.

5 MR. BEAUMONT: Object to form.

6 BY MR. KIMREY:

7 Q. Okay. Could they have gotten it from you?

8 MR. BEAUMONT: Object to form.

9 BY THE WITNESS:

10 A. I don't know.

11 BY MR. KIMREY:

12 Q. Do you see right below that "Debbie Egan"

13 again?

14 A. Yes.

15 Q. How'd Facebook get that?

16 A. I don't know.

17 MR. BEAUMONT: Object to form.

18 BY MR. KIMREY:

19 Q. Could Facebook have gotten it from you?

20 A. I don't know.

21 MR. BEAUMONT: Object to form.

22 BY MR. KIMREY:

23 Q. Okay. Going down, bottom of 58, do you see

24 "Joe Lukis"?

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1 A. Yes.

2 Q. Who is that?

3 A. My father-in-law.

4 Q. Okay. Do you see the number on the next

5 page? Do you see that?

6 A. Yeah.

7 Q. How did Facebook get that?

8 A. I don't know.

9 MR. BEAUMONT: Object to form.

10 BY MR. KIMREY:

11 Q. Did Facebook get it from you?

12 MR. BEAUMONT: Object to form.

13 BY THE WITNESS:

14 A. I don't know.

15 BY MR. KIMREY:

16 Q. Is it possible Facebook got it from you?

17 A. I don't know.

18 MR. BEAUMONT: Object to form.

19 BY MR. KIMREY:

20 Q. Okay. Do you see "Sam Dietzmann" below that?

21 A. Yes.

22 Q. That's your LARPing friend; right?

23 A. Yes. He's just a friend now.

24 Q. Okay. And that's his number; right, as of

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1 that date?

2 A. I don't know. I'd have to look.

3 Q. How did Facebook get that?

4 A. I don't know.

5 MR. BEAUMONT: Object to form.

6 BY MR. KIMREY:

7 Q. Did they get it from you?

8 A. I don't know.

9 MR. BEAUMONT: Object to form.

10 BY MR. KIMREY:

11 Q. Is it possible they got it from you?

12 A. I don't know.

13 MR. BEAUMONT: Object to form.

14 BY THE WITNESS:

15 A. He's in my --

16 BY MR. KIMREY:

17 Q. Do you see lower on that page it says

18 "Chicago LARP"? Do you see that?

19 A. Yeah.

20 Q. Okay. Did Facebook get that from you?

21 MR. BEAUMONT: Object to form.

22 BY THE WITNESS:

23 A. I don't know. They got it off of -- off of

24 my phone contact list.

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1 BY MR. KIMREY:

2 Q. So they got it off your phone contacts list?

3 MR. BEAUMONT: Object to form.

4 BY THE WITNESS:

5 A. I don't know.

6 BY MR. KIMREY:

7 Q. Is it possible they did?

8 A. I don't know.

9 MR. BEAUMONT: Object to form.

10 BY MR. KIMREY:

11 Q. Okay. But you know what Chicago LARP is;

12 right?

13 A. That's a Google Voice number for people to

14 get ahold of each other way back in the day.

15 Q. Okay. Who like to dress up like vampires;

16 right?

17 A. Yes.

18 Q. Okay. And you like to do that; right?

19 A. I also like to play Call of Duty --

20 MR. BEAUMONT: Object to form.

21 BY THE WITNESS:

22 A. -- but that doesn't make me a soldier in the

23 U.S. military.

24 MR. KIMREY: Okay. That was nonresponsive.



<p style="text-align: right;">Page 440</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't --</p> <p>3</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Samantha Swanson. Let's go to Page 60. Do</p> <p>6 you see "Samantha Swanson"?</p> <p>7 A. Yes.</p> <p>8 Q. Who is that?</p> <p>9 A. Ex-roommate.</p> <p>10 Q. Okay. Is that her number as of that date?</p> <p>11 A. I don't know.</p> <p>12 Q. Is it possible that it was?</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't know.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Okay. At that time you lived in the</p> <p>18 Chicagoland area; right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Is (847) a Chicagoland area code?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Who's Crystal Klatte? Next item.</p> <p>23 A. My sister-in-law.</p> <p>24 Q. Okay. Is that her -- was that her number as</p>	<p style="text-align: right;">Page 442</p> <p>1 I think that Facebook did not actually get it from you?</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't know.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Okay. Down lower, 68, it says "Greg Klatte."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Who's that?</p> <p>11 A. My father.</p> <p>12 Q. Okay. And is -- was that his number as of</p> <p>13 May 27, 2017?</p> <p>14 A. No.</p> <p>15 Q. Okay. How did Facebook get that?</p> <p>16 A. I don't know.</p> <p>17 MR. BEAUMONT: Object to form.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Was that ever his number?</p> <p>20 A. No.</p> <p>21 Q. Okay. Is it possible Facebook got it from</p> <p>22 you?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 441</p> <p>1 of May 23rd, 2017?</p> <p>2 A. I don't know. Her phone number is not in</p> <p>3 my --</p> <p>4 Q. Is it possible it was?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I don't know.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Okay. How did Facebook get that?</p> <p>10 A. I don't know.</p> <p>11 MR. BEAUMONT: Same objection.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Could Facebook have gotten it from you?</p> <p>14 A. I don't know.</p> <p>15 MR. BEAUMONT: Same objection.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. So it is possible Facebook got it from you?</p> <p>18 MR. BEAUMONT: Same objection.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I don't know.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. These are a lot of people you're connected to</p> <p>23 that Facebook just so happens to have information on.</p> <p>24 Facebook says it got it from you. Is there any reason to</p>	<p style="text-align: right;">Page 443</p> <p>1 A. If it was never his number, they didn't get</p> <p>2 it from me.</p> <p>3</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Okay. I think you said you didn't know. But</p> <p>6 Jerry Klatte, who's that?</p> <p>7 A. An uncle.</p> <p>8 Q. Okay. Your uncle?</p> <p>9 A. Yes.</p> <p>10 Q. Was that a number of his at any point in</p> <p>11 time?</p> <p>12 A. I wouldn't have any idea.</p> <p>13 Q. How did Facebook get that?</p> <p>14 A. I don't know.</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Did they get it from you?</p> <p>18 MR. BEAUMONT: Same objection.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I don't know.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. Okay. Next, going down that page, this is</p> <p>23 61, do you see where it says "Debbie was John Horn"?</p> <p>24 A. Yep.</p>

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1 Q. Okay. So you testified previously that one  
 2 of your step-fathers I think had a sex change. Is that  
 3 who this is?  
 4 A. Yep.  
 5 Q. Okay. Is that that person's number as of  
 6 that date?  
 7 A. I don't know.  
 8 Q. Okay. So how would Facebook know Debbie was  
 9 John Horn and have this number?  
 10 MR. BEAUMONT: Object to form.  
 11 BY THE WITNESS:  
 12 A. Because I put that information into my cell  
 13 phone.  
 14 BY MR. KIMREY:  
 15 Q. Okay. And so Facebook got it from your cell  
 16 phone; is that right?  
 17 MR. BEAUMONT: Object to form.  
 18 BY THE WITNESS:  
 19 A. That's the only way I can think of.  
 20 BY MR. KIMREY:  
 21 Q. Okay. Is that how in your cell phone  
 22 currently this person is listed -- Debbie was John Horn?  
 23 A. I don't know.  
 24 Q. Is it possible?

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1 MR. BEAUMONT: Object to form.  
 2 BY THE WITNESS:  
 3 A. Maybe.  
 4 BY MR. KIMREY:  
 5 Q. Okay. Could you just look at your phone  
 6 because it's right in front of you and you did it  
 7 already?  
 8 A. Yes. Still in my phone under that screen.  
 9 Q. Could you show us on the screen?  
 10 A. Can you see it?  
 11 Q. Yes. And that contact information is the  
 12 exact same number that we're showing in the exhibit.  
 13 Okay. What about at the bottom, "Matt  
 14 Lukis"?  
 15 A. Brother-in-law.  
 16 Q. Okay. And is that your brother-in-law's  
 17 e-mail address boxermatt@gmail.com?  
 18 A. I would have no idea.  
 19 Q. Is he a boxer?  
 20 A. No.  
 21 Q. Does he box at all?  
 22 MR. BEAUMONT: Object to form.  
 23 BY THE WITNESS:  
 24 A. He did when he was a kid.

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1 BY MR. KIMREY:  
 2 Q. Okay. How did Facebook get that information?  
 3 MR. BEAUMONT: Same objection.  
 4 BY THE WITNESS:  
 5 A. I don't know.  
 6 BY MR. KIMREY:  
 7 Q. Could they have gotten it from you?  
 8 MR. BEAUMONT: Same objection.  
 9 BY THE WITNESS:  
 10 A. I don't know.  
 11 BY MR. KIMREY:  
 12 Q. Okay. 63, Bates 63. Do you see "Any  
 13 Klatte"?  
 14 A. Yes.  
 15 Q. Who's that?  
 16 A. My sister.  
 17 Q. Okay. Was that her telephone number as of  
 18 May 23rd, 2017?  
 19 A. I don't know.  
 20 Q. Okay. Do you notice anything about all these  
 21 dates? These dates and times are all the same. Do you  
 22 see that?  
 23 A. Yes.  
 24 MR. BEAUMONT: Object to form.

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1 BY MR. KIMREY:  
 2 Q. Okay. So Facebook is saying that it got this  
 3 information from you on that date in one data dump.  
 4 Okay. Is that possible that that happened?  
 5 MR. BEAUMONT: Object to form.  
 6 BY THE WITNESS:  
 7 A. It's possible that that's the day that I  
 8 logged into my phone on Facebook.  
 9 BY MR. KIMREY:  
 10 Q. And whatever you did caused Facebook to deem  
 11 itself to have permission to download this contact  
 12 information into Facebook; right?  
 13 MR. BEAUMONT: Object to form.  
 14 BY THE WITNESS:  
 15 A. I don't know why they did it.  
 16 BY MR. KIMREY:  
 17 Q. Okay. But it's possible that you -- they did  
 18 it because they perceived you to have consented to it;  
 19 right?  
 20 MR. BEAUMONT: Object to form.  
 21 BY THE WITNESS:  
 22 A. I didn't consent to them downloading my  
 23 contact list, no.  
 24 BY MR. KIMREY:

<p style="text-align: right;">Page 448</p> <p>1 Q. Okay. So Facebook stole this from you; is</p> <p>2 that right?</p> <p>3 MR. BEAUMONT: Object to form.</p> <p>4</p> <p>5 BY THE WITNESS:</p> <p>6 A. I don't know.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Okay. So Facebook may have been the</p> <p>9 gratuitous recipient of your giving this to Facebook;</p> <p>10 right?</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I -- I don't know.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Look, it's clear. Facebook got it from you.</p> <p>16 So did Facebook get it from you because it stole it from</p> <p>17 you or did Facebook get it from you because you</p> <p>18 voluntarily provided it?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I don't voluntarily provide my information,</p> <p>22 but it is possible that they just download it when you</p> <p>23 log into your phone on Facebook. I --</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 450</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. So this says at the top: "Apps you've</p> <p>3 used Facebook to log into." So you have used Facebook to</p> <p>4 log into Misplay, Legend of the Phoenix, IHOP, Aurelio's</p> <p>5 Pizza, Bumble, Scrabble Go, One Q, cure.com, Peek, et</p> <p>6 cetera, blagh, blagh, blagh. It goes on and on. You</p> <p>7 used Facebook to log onto all of these apps; is that</p> <p>8 correct?</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Or you used -- yes. Is that correct?</p> <p>12 A. I don't -- I don't know. I've never had a</p> <p>13 Yelp account. I've never been -- I don't know what</p> <p>14 tophatter is, radio.com. I don't know half of these</p> <p>15 websites.</p> <p>16 Q. Okay. So Facebook says you used Facebook to</p> <p>17 log into these apps, and Facebook provides the date and</p> <p>18 the time when you did that. And you're saying Facebook</p> <p>19 is lying, is that what you're saying?</p> <p>20 A. No.</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I'm saying my phone or my computer may have</p> <p>24 been logged into Facebook and other people were going to</p>
<p style="text-align: right;">Page 449</p> <p>1 Q. Do they do that because they view you to</p> <p>2 have -- they view you to have consented to it or do they</p> <p>3 do it surreptitiously to steal your information without</p> <p>4 your consent?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I'd say surreptitiously because I didn't give</p> <p>8 them permission to download all my contacts.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Okay. So if we subpoena Facebook and</p> <p>11 Facebook puts on a witness and tells the jury that you</p> <p>12 consented and presents evidence of your consent, your</p> <p>13 testimony to the jury in response is going to be Facebook</p> <p>14 is a liar; is that correct?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't know. You're -- you're confusing me.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Okay. Let's move on. 225 which is going to</p> <p>20 be marked as 31. Okay. So this is also from your</p> <p>21 production on the eve of your first deposition session.</p> <p>22 Do you see your profile picture at the top?</p> <p>23 A. Yes.</p> <p>24 Q. You see that the Bates at the bottom is 1154?</p>	<p style="text-align: right;">Page 451</p> <p>1 websites, and it logged in that I was the one who logged</p> <p>2 into it.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Okay. So it says at 1155 you used ZocDoc to</p> <p>5 log into Facebook?</p> <p>6 A. Yes.</p> <p>7 Q. And you use ZocDoc; right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Is it possible you used ZocDoc to log</p> <p>10 into Facebook?</p> <p>11 A. I thought it was via my e-mail address, but</p> <p>12 it is possible. I haven't logged in since 2019? Jeeze.</p> <p>13 Q. Or actually what this says is you used</p> <p>14 Facebook to log into ZocDoc. Is it possible that you did</p> <p>15 that?</p> <p>16 MR. BEAUMONT: Object to form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I guess. I don't know.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Okay. And it also says, even though you said</p> <p>21 in your previous deposition session that you never used</p> <p>22 Grubhub, that you used Facebook to log into at Bates 1156</p> <p>23 Grubhub; right?</p> <p>24 MR. BEAUMONT: Object to form.</p>

<p style="text-align: right;">Page 452</p> <p>1 BY THE WITNESS:</p> <p>2 A. Again, my computer could have been logged in</p> <p>3 and somebody else logged -- logged into Grubhub. My</p> <p>4 computer --</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. So somebody else was on your computer --</p> <p>7 MR. BEAUMONT: Blaine, I'd just like to ask</p> <p>8 you allow her --</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. -- of your Facebook account --</p> <p>11 MR. BEAUMONT: -- to finish her response.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. -- and logged onto Grubhub; is that right?</p> <p>14 MR. BEAUMONT: And I'd just like you to let</p> <p>15 Ms. Lukis finish her response. Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. There are -- my computer is logged onto</p> <p>18 Facebook, and other people can use it to log onto</p> <p>19 websites. I don't know who does but it's -- somebody</p> <p>20 logged onto Grubhub but I didn't, but they could have</p> <p>21 just logged onto Grub -- hit -- there's a button that</p> <p>22 could hit log in via Facebook. I don't know. I didn't</p> <p>23 do it because I don't use Grubhub because I hate those</p> <p>24 delivery services. They charge extra --</p>	<p style="text-align: right;">Page 454</p> <p>1 A. My desktop, yes.</p> <p>2 Q. Even though she abuses and harasses you?</p> <p>3 A. This was before I cut contact with her.</p> <p>4 Q. Do you have a password for Facebook?</p> <p>5 A. What?</p> <p>6 Q. As of August 20th, 2018, did you have a</p> <p>7 password for Facebook?</p> <p>8 A. No. It was saved on my computer. You just</p> <p>9 go to Facebook and it -- because the password was saved</p> <p>10 in Chrome, it would log you in.</p> <p>11 Q. Okay. So is it your position that maybe your</p> <p>12 mom ordered Grubhub through your computer in your</p> <p>13 Facebook account on August 20th, 2018?</p> <p>14 A. She could have, yeah.</p> <p>15 Q. Is it possible that you did that?</p> <p>16 A. No. I don't use those services because they</p> <p>17 charge additional money on the restaurants. I order --</p> <p>18 MR. BEAUMONT: Object to the form of that</p> <p>19 question.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Okay. Do you dispute that one or more of</p> <p>22 your digital devices was used by somebody on each of</p> <p>23 these dates to use Facebook to log into these apps?</p> <p>24 A. Some of them are mine. Some of them are not.</p>
<p style="text-align: right;">Page 453</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. What do you have a basis to hate Grubhub for?</p> <p>3 A. Because they charge all of the restaurants</p> <p>4 additional fees and mark up their prices on food.</p> <p>5 Q. Okay. You have a password on your computer?</p> <p>6 A. What?</p> <p>7 Q. You have a password on your computer?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Is that private?</p> <p>10 MR. BEAUMONT: Object to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. My husband knows it.</p> <p>13 BY MR. KIMREY:</p> <p>14 Q. Who else knows it?</p> <p>15 A. Back then, 2018 it was on a different</p> <p>16 computer, so at that time it would have also been --</p> <p>17 shoot -- probably a family member or two.</p> <p>18 Q. Who?</p> <p>19 A. It was before I went and locked everything</p> <p>20 down.</p> <p>21 Q. Who?</p> <p>22 A. I think my mother and Anya.</p> <p>23 Q. So your mom as of August 20th, 2018 had the</p> <p>24 password to your computer; is that right?</p>	<p style="text-align: right;">Page 455</p> <p>1 I'd have to go through the entire list and tell you</p> <p>2 who's -- which one's what.</p> <p>3 Q. And that would be a highly individualized</p> <p>4 inquiry; right?</p> <p>5 A. Yeah, I'd have to see --</p> <p>6 MR. BEAUMONT: Objection, form, also legal</p> <p>7 conclusion.</p> <p>8 BY THE WITNESS:</p> <p>9 A. There's some of them that I recognize, but</p> <p>10 there's a bunch I don't.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Okay. Because none of these are</p> <p>13 standardized; right? You'd have to go to each and every</p> <p>14 one to see whether you actually logged in --</p> <p>15 A. No.</p> <p>16 Q. -- is that right?</p> <p>17 MR. BEAUMONT: Object to form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I have to go through, look at the list and</p> <p>20 say yes, I did that one; no, I didn't do that one; yes, I</p> <p>21 did that one.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Okay. Let's move on.</p> <p>24 MR. BEAUMONT: Counsel, is it possible just to</p>

<p style="text-align: right;">Page 456</p> <p>1 take a two-, three-minute break?</p> <p>2 MR. KIMREY: Sure.</p> <p>3 MR. BEAUMONT: All right. Thank you.</p> <p>4 THE VIDEOGRAPHER: Going off the video record</p> <p>5 at 12:51 p.m.</p> <p>6 (WHEREUPON, a break was</p> <p>7 taken.)</p> <p>8 We are back on the record at 12:59 p.m.</p> <p>9 You may proceed.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. Okay. So now we're on what's been marked as</p> <p>12 Exhibit 32. Starting with Bates 1162, do you see that,</p> <p>13 Ms. Lukis?</p> <p>14 A. Yes.</p> <p>15 Q. Do you see your picture at the top?</p> <p>16 A. Yes.</p> <p>17 Q. So this is part of your production, you know,</p> <p>18 on the eve of your first deposition session from</p> <p>19 Facebook, and it says: "Posts from apps and websites,</p> <p>20 posts from the apps you've given permission to post on</p> <p>21 your behalf." Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. So Facebook has taken the position that you</p> <p>24 gave permission for these apps to post to Facebook on</p>	<p style="text-align: right;">Page 458</p> <p>1 Q. Okay. Do you ever use MyVegasSlots?</p> <p>2 A. Yes.</p> <p>3 Q. Do you ever use Preguntados?</p> <p>4 A. It's Trivia Crack.</p> <p>5 Q. Do you ever use Trivia Crack?</p> <p>6 A. Way back in the day.</p> <p>7 Q. Do you ever use Trivia -- I'm sorry.</p> <p>8 BingoBlitz?</p> <p>9 A. I don't know.</p> <p>10 Q. Is it possible that you used BingoBlitz?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you use Yahtzee With Buddies?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you use Island Experiment? Have you ever</p> <p>15 used Island Experiment?</p> <p>16 A. I have no idea what that is.</p> <p>17 Q. Possible you used Island Experiment?</p> <p>18 A. I don't know.</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. It looks like you used it a lot in 2016. Is</p> <p>22 it possible that you did?</p> <p>23 A. I don't know.</p> <p>24 MR. BEAUMONT: Object to form.</p>
<p style="text-align: right;">Page 457</p> <p>1 your behalf. Do you understand that?</p> <p>2 A. Yes.</p> <p>3 MR. BEAUMONT: Object to form.</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Do you agree with that?</p> <p>6 A. No.</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. In my settings it doesn't allow them to do</p> <p>10 it.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Okay. So they do this without your</p> <p>13 permission?</p> <p>14 MR. BEAUMONT: Form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. That's not what I said.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Is it true that you gave permission to</p> <p>19 Facebook to post from the apps on your behalf as listed</p> <p>20 in this exhibit?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I don't know.</p> <p>24 BY MR. KIMREY:</p>	<p style="text-align: right;">Page 459</p> <p>1 BY THE WITNESS:</p> <p>2 A. It looks like it's a phone game.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Do you play phone games?</p> <p>5 A. Yeah. Not very much anymore with a toddler.</p> <p>6 Q. Back in 2015 did you use Throne Rush?</p> <p>7 A. Throne Rush? I don't know what that is.</p> <p>8 Q. Possible that back in 2015 you used Throne</p> <p>9 Rush?</p> <p>10 A. I don't know.</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. It's five years ago, five and a half.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. Okay. Let's move on. Next exhibit, we're</p> <p>16 going to 227 which will be marked as Exhibit 33. This</p> <p>17 was also part of your late production. You see your</p> <p>18 profile picture up at the top?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. On Page 1231 about midway down the</p> <p>21 page it says: "Stephanie Lukis replied to Abi Wan</p> <p>22 Kenabi's comment," and it's September 19, 2020, "Come get</p> <p>23 it you fucking cunts." Did you write that?</p> <p>24 A. It was an inside joke.</p>

<p style="text-align: right;">Page 460</p> <p>1 MR. BEAUMONT: Form.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Did you write that?</p> <p>4 A. Yes. It's an inside joke.</p> <p>5 Q. What's the joke?</p> <p>6 A. Abi and I pick on each other.</p> <p>7 Q. Who is Abi?</p> <p>8 A. A friend.</p> <p>9 Q. What is Abi's real name?</p> <p>10 A. Abi Maldonado.</p> <p>11 Q. Where does Abi Maldonado live?</p> <p>12 A. I think he's in Niles.</p> <p>13 Q. So are all these posts that Facebook says you</p> <p>14 posted, were they, in fact, posted by you?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't know.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Is it possible that you did write and post</p> <p>20 all of these posts?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I -- I don't know. I don't know how many</p> <p>24 times I've commented on Facebook. I'd have to look</p>	<p style="text-align: right;">Page 462</p> <p>1 Q. What does that mean -- Bone Gnawer versus</p> <p>2 Shadow Lord pissing match in the basement of werewolf?</p> <p>3 A. It was a game. It's characters in a game.</p> <p>4 Q. Who is Bone Gnawer?</p> <p>5 A. It's a -- it's a class within a game.</p> <p>6 Q. And is Shadow Lord also a class within a</p> <p>7 game?</p> <p>8 A. Yes.</p> <p>9 Q. What is the game?</p> <p>10 A. Werewolf.</p> <p>11 Q. What -- how do you play Werewolf?</p> <p>12 A. It's a LARP and a video game.</p> <p>13 Q. Okay. How do you play it? How do you play</p> <p>14 the LARP?</p> <p>15 A. You make a character and interact with</p> <p>16 people.</p> <p>17 Q. Who were you in Werewolf?</p> <p>18 A. The storyteller.</p> <p>19 Q. Is that like the dungeon master in D and D?</p> <p>20 A. Yes.</p> <p>21 Q. Is that the only character you played in</p> <p>22 Werewolf?</p> <p>23 A. Yeah. No. I don't remember, and I wasn't</p> <p>24 playing a character. I was running the game.</p>
<p style="text-align: right;">Page 461</p> <p>1 through them to see if I recognize them all.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Facebook says these are all your comments.</p> <p>4 Do you disagree?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Again, I don't know.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. You want to go off the record and read them</p> <p>10 all and confirm they're your comments?</p> <p>11 A. They could be, but I don't know if all of</p> <p>12 them are.</p> <p>13 Q. Do you have any reason to believe that they</p> <p>14 are not all your comments?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't know. I think they are.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Okay. So at Page 1233, so that's Bates 1233,</p> <p>20 at the middle of the page it says: "Bone Gnawer versus</p> <p>21 Shadow Lord pissing match in the basement at Werewolf.</p> <p>22 You are still an s-s-s but I like you." Did you write</p> <p>23 that?</p> <p>24 A. I think so.</p>	<p style="text-align: right;">Page 463</p> <p>1 Q. Okay. Did you perform any other role with</p> <p>2 respect to Werewolf other than the storyteller?</p> <p>3 MR. BEAUMONT: Form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Yeah, I think I played a couple -- played a</p> <p>6 couple characters, but it's been so long I don't remember</p> <p>7 anything about them.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Okay. So if you go to Bates 1234. About,</p> <p>10 you know, four inches down it says: "Stephanie Lukis</p> <p>11 commented on Debbie Egan's post" on May 17, 2017," but we</p> <p>12 don't have the comment. Do you know why?</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. Because she's blocked on Facebook, so I guess</p> <p>16 it deleted any comments that were connected to her.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Okay. At this point in time were you still</p> <p>19 on good terms with your mom?</p> <p>20 A. I've never been on good terms --</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. -- with her, but I was still talking to her.</p> <p>24 BY MR. KIMREY:</p>



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1 Q. Okay. You can see that there are several  
2 similar posts on this page -- "Stephanie Lukis commented  
3 on Debbie Egan's post, Stephanie Lukis commented on  
4 Debbie Egan's post," et cetera. Do you see all those?  
5 A. Yes.  
6 Q. Okay. And it's your position that we can't  
7 see it because of your mom's privacy settings; is that  
8 right?  
9 A. No. I think it's because of my privacy  
10 settings, but I don't know why you can see the last one  
11 when you can't see anything else. I don't know. I'm not  
12 a computer scientist, a data scientist. I don't know why  
13 some show up and why some don't.  
14 Q. Okay. Let's go to the next page, 1235.  
15 About four inches down it says: "Stephanie Lukis  
16 commented on Paul Michael's post." Who is Paul Michael?  
17 A. My husband.  
18 Q. Okay. It says: "And after he watched it I  
19 heard grumbles and cranky responses. Why is Dan Harmon  
20 being a dick and messing everything up?" Did you write  
21 that?  
22 A. Yeah. I'm talking about a TV show.  
23 Q. Then farther down the page there's more  
24 commenting on the Debbie Egan post. Do you see that?

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1 A. Yeah.  
2 Q. And then there's more of that at 1236,  
3 "Stephanie Lukis," at the top of the page, "commented on  
4 Debbie Egan's post." Do you see that?  
5 A. Yeah.  
6 Q. Then at Page 1238, Bates 1238 there's more  
7 commenting by you on Debbie Egan's post. Do you see  
8 that?  
9 A. Yes.  
10 Q. Okay. Then it says: "Stephanie Lukis  
11 replied to her own comment," and you say: Due date the  
12 27th but C-section on the 20th. Genevieve is a troll,  
13 but we like the idea of cousins the same age to remind  
14 her she is not alone", you know, smiley face. Who are  
15 you communicating with there?  
16 A. I have no idea. It's talking about when my  
17 daughter was born.  
18 Q. Let's go to 1239. About four inches down  
19 from the top you write: "2016 can go to hell. I have a  
20 list and if any of them die, I am going on a murderous  
21 rampage." Why are you saying that?  
22 A. I have no idea.  
23 MR. BEAUMONT: Object to form.  
24 BY MR. KIMREY:

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1 Q. Okay. Let's go to 1240, Bates 1240.  
2 Actually, let's skip past that.  
3 Go to 1242. In the middle there's a comment  
4 from you in a group called Chicago Second Apocalypse.  
5 What is that group?  
6 A. That was the werewolf group.  
7 Q. You say: "Also, Boot Party is without a pack  
8 again as those who were part of her pack moved on.  
9 Anyone looking for a realm side, combat or intel pack hit  
10 me up." Are you Boot Party?  
11 A. That was a character. Yes.  
12 Q. That you played? Is it a character you  
13 played in Werewolf?  
14 A. A long time ago, yeah.  
15 Q. Okay. And what was Boot Party, what kind of  
16 character?  
17 A. A fighter.  
18 Q. Was it a human?  
19 A. She was a werewolf.  
20 Q. How did you perform as Boot Party?  
21 A. Walked and talked with other people.  
22 Q. In a werewolf costume?  
23 A. No. In jeans and a flannel T-shirt.  
24 Q. Okay. But you pretended to be a werewolf?

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1 A. Yes, just like I pretend to be Geralt on the  
2 Witcher.  
3 Q. Who?  
4 A. It's a -- it's a character on a video game on  
5 Nintendo Switch. Just like I'm pretending to be that  
6 character in the video game, I'm pretending to be that  
7 character in that game.  
8 Q. Okay. What is -- 1247 about midway down the  
9 page it says: "Stephanie Lukis commented on Paul  
10 Michael's post." There's a URL there. Yeah, it looks  
11 like a duplicate URL. It's there twice. Do you know  
12 what was posted at the URL?  
13 A. Probably a picture.  
14 Q. What does 6NfmQ stand for?  
15 A. I don't know. I don't know anything about  
16 Imgur.  
17 Q. Let's go to 1251. It says in the middle of  
18 the page: "The Rumble will be inside the Weaver room and  
19 we have gotten confirmation that they found the remotes  
20 for the air conditioners. I am planning on making sure  
21 all the AC units are on and vent the building as soon as  
22 I get there." What is the Rumble and what is the Weaver  
23 room?  
24 A. I don't remember.

<p style="text-align: right;">Page 468</p> <p>1 Q. 1257. Do you see that again you're</p> <p>2 commenting on a Debbie Egan post? Do you see that?</p> <p>3 A. No.</p> <p>4 Q. Did you say yes?</p> <p>5 A. Yes.</p> <p>6 Q. And then you're commenting on Debbie Hahn</p> <p>7 posts. Is that the same person?</p> <p>8 A. No. That's John was Debbie Horn or Debbie</p> <p>9 was John Horn.</p> <p>10 Q. 1259. At the bottom it says: "So just sharp</p> <p>11 knives. I took a few layers off my thumb. Going to take</p> <p>12 awhile to heal. Worst is -- worst part is there are</p> <p>13 exposed nerves, so using my thumb hurts. Gotta love</p> <p>14 Oragel."</p> <p>15 A. Oragel.</p> <p>16 Q. Say that again.</p> <p>17 A. Oragel.</p> <p>18 Q. Oragel. What happened here? What are you</p> <p>19 describing?</p> <p>20 A. I cut my thumb, and I was using the tooth</p> <p>21 numbing Oragel to make it stop hurting.</p> <p>22 Q. And who were you communicating that to?</p> <p>23 A. I just posted it up onto Facebook.</p> <p>24 Q. At 1261, last post, it says June 3rd, 2010.</p>	<p style="text-align: right;">Page 470</p> <p>1 recently viewed on Facebook including articles, groups,</p> <p>2 stories, marketplace, items, live videos and more. Do</p> <p>3 you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any reason to believe that that's</p> <p>6 not what this shows?</p> <p>7 A. No.</p> <p>8 Q. Okay. Let's go onto the next one. This is</p> <p>9 folder 229, Exhibit 35. So this says -- this is from</p> <p>10 your production. You can see your photo up at the top;</p> <p>11 right?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. It says: "Areas of Facebook you</p> <p>14 recently visited including people's profiles, pages,</p> <p>15 groups and events." Do you have any reason to believe</p> <p>16 that is not what this shows?</p> <p>17 A. I don't know. I assume that's what it has on</p> <p>18 there.</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Do you know who has access to this</p> <p>22 information?</p> <p>23 MR. BEAUMONT: Form.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 469</p> <p>1 It's a comment on Paul Michael's photo which I guess is</p> <p>2 your husband's photo. And you say: "I am watching you,</p> <p>3 asshole. You will come over here one day and never know</p> <p>4 what hit you." What are you trying to convey there?</p> <p>5 A. In case you notice, there's a smiling face on</p> <p>6 the end.</p> <p>7 Q. What?</p> <p>8 A. In case you notice, there a smiling face on</p> <p>9 the end.</p> <p>10 Q. Right. What are you trying to convey to him?</p> <p>11 A. I'd rather not say as it's personal.</p> <p>12 Q. That's not a basis not to answer. What are</p> <p>13 you trying to convey to him?</p> <p>14 A. That when he gets back home he's gonna get</p> <p>15 laid.</p> <p>16 Q. Okay. Can anyone else see that post?</p> <p>17 A. Probably.</p> <p>18 MR. BEAUMONT: Object to form.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. What?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. Let's move onto the next exhibit.</p> <p>23 It's 228, Exhibit 34. So what this shows -- this is part</p> <p>24 of your late production. What this shows is items you've</p>	<p style="text-align: right;">Page 471</p> <p>1 A. As to what websites I visited?</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. Yes.</p> <p>4 A. I -- I don't have permission for anybody to</p> <p>5 know that.</p> <p>6 Q. Is it possible that that is not the case</p> <p>7 under your privacy settings?</p> <p>8 MR. BEAUMONT: Form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. My privacy settings on Facebook are locked</p> <p>11 down as tight as I can get them.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. Have you produced in this case any of your</p> <p>14 privacy settings at any point in time with respect to any</p> <p>15 website ever?</p> <p>16 A. I don't know. I don't think so.</p> <p>17 Q. Okay. Well, you should, and we ask that you</p> <p>18 do that.</p> <p>19 Okay. Next item, 230, Exhibit 36. This is</p> <p>20 Bates stamped 65. Okay. This is part of your</p> <p>21 production, Ms. Lukis. You see your photo up at the top</p> <p>22 there?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. It says "Instagram account and</p>

<p style="text-align: right;">Page 472</p> <p>1 Profiles." Do you have an Instagram account?</p> <p>2 A. I have -- I have an Instagram account?</p> <p>3 That's news to me.</p> <p>4 Q. It says here -- is that you?</p> <p>5 A. Yeah. Apparently I have an Instagram</p> <p>6 account.</p> <p>7 Q. Okay. And the cell phone number that you</p> <p>8 didn't want your mom to have is (312) 459-076 -- 0876;</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And Facebook has that number; right?</p> <p>12 A. Yes, but it's --</p> <p>13 MR. BEAUMONT: Object to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. -- marked as private.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Do you see anything on here that says</p> <p>18 private?</p> <p>19 A. No. It's in a different part of the</p> <p>20 settings.</p> <p>21 Q. Where?</p> <p>22 A. When you hit settings, there's a privacy</p> <p>23 thing inside the -- inside your settings.</p> <p>24 Q. Did you produce that in this case?</p>	<p style="text-align: right;">Page 474</p> <p>1 those pages.</p> <p>2 Q. Okay. Well, this should be produced not as</p> <p>3 black boxes. So we request that that be done</p> <p>4 immediately.</p> <p>5 Moving on. Okay. Let's go to 234 which I</p> <p>6 think will be Exhibit 38, the time line photos. This was</p> <p>7 also part of your production on the eve of the first</p> <p>8 deposition session the evening of January 4th. Did you</p> <p>9 produce this to us?</p> <p>10 A. I would assume it was part of the data dump.</p> <p>11 Q. Okay. And it has various pictures. It's a</p> <p>12 time line. Do you see that time line of the photos --</p> <p>13 A. Yes.</p> <p>14 Q. -- that you posted to Facebook?</p> <p>15 So that's what this is; right?</p> <p>16 A. That's what I would assume.</p> <p>17 Q. Okay. And this time line includes at Bates</p> <p>18 stamp 1360 -- can we go there, 1360 -- a posting with a</p> <p>19 caption: "Hanging out at Ice in D.C. with my mom at," a</p> <p>20 number, "Debbie Horn, Paul Lukis, Brian Klatte, Crystal</p> <p>21 Klatte and Susan Klatte." So are all those people</p> <p>22 depicted in this photo?</p> <p>23 A. Yeah.</p> <p>24 Q. Which one is your mom?</p>
<p style="text-align: right;">Page 473</p> <p>1 A. I don't know. It -- I don't know if it's</p> <p>2 part of the Facebook data dump.</p> <p>3 Q. It's not. So you didn't produce it in the</p> <p>4 case, but we want it. We want your privacy settings on</p> <p>5 every single website you ever visited and then at</p> <p>6 minimum, you know, related to the data that you provided</p> <p>7 to us voluntarily. So we need, you know, from the</p> <p>8 beginning of your account to the present, your privacy</p> <p>9 settings as to Facebook, your privacy settings as to</p> <p>10 LinkedIn, your privacy settings as to Twitter, your</p> <p>11 privacy settings as to Reddit, et cetera. Do you</p> <p>12 understand that?</p> <p>13 A. Yeah.</p> <p>14 Q. Do you intend to produce that?</p> <p>15 A. I would have to talk to my attorney. I don't</p> <p>16 know whether or not -- I just don't know whether or not I</p> <p>17 can do that or how to do it.</p> <p>18 Q. Okay. Let's move on. Next item is folder</p> <p>19 231. This is Exhibit 37. Okay. You produced this on</p> <p>20 the eve before your first deposition session. It's Bates</p> <p>21 stamped or labeled 1114 through 1153, and it's just a</p> <p>22 series of black boxes again. Did you intend to produce</p> <p>23 just a series of black boxes?</p> <p>24 A. I don't know what -- what's specifically on</p>	<p style="text-align: right;">Page 475</p> <p>1 A. The redhead on the left or on the right.</p> <p>2 Sorry.</p> <p>3 Q. Were you getting along with her at this time?</p> <p>4 MR. BEAUMONT: Object to form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Off and on.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. Do you know who can see this time line?</p> <p>9 A. It's --</p> <p>10 MR. BEAUMONT: Object to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I don't know. Probably nobody because it's</p> <p>13 set for privacy unless it -- I -- I don't know.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. So you posted all these photos to Facebook;</p> <p>16 correct?</p> <p>17 A. No.</p> <p>18 Q. Who posted them to Facebook if not you?</p> <p>19 A. It could have been multiple people posting</p> <p>20 the pictures and then I just -- I tagged myself where I</p> <p>21 just flipped it over to a time line picture.</p> <p>22 Q. Okay. Let's move on. 3 -- 235 which is</p> <p>23 going to be Exhibit 39. Okay. This is also from your</p> <p>24 late production. Do you see at the top it says: "Your</p>

<p style="text-align: right;">Page 476</p> <p>1 videos"?</p> <p>2 A. Yes.</p> <p>3 Q. So it says: "These are videos you've</p> <p>4 uploaded and shared." Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any reason to believe that you</p> <p>7 did not upload and share these videos?</p> <p>8 A. No.</p> <p>9 Q. Okay. With whom did you share?</p> <p>10 A. My friends on Facebook and only my friends on</p> <p>11 Facebook.</p> <p>12 Q. Who were they?</p> <p>13 A. I don't know everybody -- I can't list off</p> <p>14 the top of my head everybody I'm friends with on</p> <p>15 Facebook.</p> <p>16 Q. Well, do your best.</p> <p>17 A. Good, God. I don't even know. Debbie Egan,</p> <p>18 Debbie Hahn, Paul Lukis, Abi Maldonado, Chris Minchella,</p> <p>19 Ray Minchella, Ryan Klatte, Crystal Klatte. I haven't</p> <p>20 been on Facebook other than this data dump in six months,</p> <p>21 like actively went on it.</p> <p>22 Q. Who else?</p> <p>23 A. I'm thinking. I -- let's see. I think Sam</p> <p>24 Dietzmann, Ray Minchella. God, I don't know. I don't</p>	<p style="text-align: right;">Page 478</p> <p>1 A. Yeah.</p> <p>2 Q. And this, again, appears to be a listing of</p> <p>3 your posts. Do you see that at the top? It says "Your</p> <p>4 Posts"?</p> <p>5 A. Yep.</p> <p>6 Q. Okay. Do you know who could see these posts?</p> <p>7 A. People who are on my friends list.</p> <p>8 Q. Could anybody else see these posts?</p> <p>9 A. No.</p> <p>10 MR. BEAUMONT: Form.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. Again, you can't as you sit here today</p> <p>13 remember all of the people who have been your friends</p> <p>14 over the history of your Facebook account; right?</p> <p>15 A. Yeah, I'd have to look at it in order to be</p> <p>16 able to see because I've added and deleted a ton of</p> <p>17 people over the years.</p> <p>18 Q. Let's go to 1421, Bates 1421. Okay. So do</p> <p>19 you see it says: "Stephanie Lukis updated her status"?</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. It says: "So I just found out about a new</p> <p>23 genealogy website that would either be very careful or</p> <p>24 very scary depending on your thoughts. Every address you</p>
<p style="text-align: right;">Page 477</p> <p>1 know who all -- who's all listed on my Facebook. I don't</p> <p>2 know everybody who's on there.</p> <p>3 MR. BEAUMONT: And I'd just like to note that</p> <p>4 I object to the form of that question, the previous</p> <p>5 question.</p> <p>6 BY MR. KIMREY:</p> <p>7 Q. Let's move on. So I think we're now on 237,</p> <p>8 2.37 which is Exhibit 40. And this is part of your</p> <p>9 production, Ms. Lukis, starting at Bates 1407. Do you</p> <p>10 see that?</p> <p>11 A. Yeah.</p> <p>12 Q. Actually, this does not appear to be what I'm</p> <p>13 looking at.</p> <p>14 MR. KIMREY: Could we go off the record?</p> <p>15 THE VIDEOGRAPHER: Going off the video record</p> <p>16 at 1:26 p.m.</p> <p>17 (Discussion had off the</p> <p>18 record.)</p> <p>19 We are back on the record at 1:27 p.m.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Okay. So we had a little bit of an exhibit</p> <p>22 snafu there. But now what you're looking at is what's</p> <p>23 been marked as Exhibit 40, I'm sorry, which starts with</p> <p>24 Bates 1407. Do you see that?</p>	<p style="text-align: right;">Page 479</p> <p>1 have ever had on a driver's license, ID card or utility</p> <p>2 bill is available for free and instant search on the</p> <p>3 website familytreenow.com. One of the advantages is that</p> <p>4 you can choose to opt out of the public database which I</p> <p>5 am planning on doing." Did you write that at that time?</p> <p>6 A. Yeah.</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8 BY MR. KIMREY:</p> <p>9 Q. Was all of your data available for free on</p> <p>10 that website?</p> <p>11 A. No.</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. It was another website like Whitepages where</p> <p>15 you have to pay to get all the access.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Okay. But it says in your post: "Every</p> <p>18 address you've ever had on a driver's license, ID card or</p> <p>19 utility bill is available for free and instant search on</p> <p>20 the website." You said that; right?</p> <p>21 A. Yeah, but I believe it was actually -- you</p> <p>22 have to pay to actually get the information. I said that</p> <p>23 to try and scare people.</p> <p>24 Q. Oh, so you lied in this post?</p>

<p style="text-align: right;">Page 480</p> <p>1 A. I -- on a Facebook post from three and a 2 half -- yeah, three years ago? It's -- it was literally 3 just trying to get people to go to the website and get 4 their information off of it. 5 Q. But it was done actually false. That every 6 address you have ever had a driver's license, ID card or 7 utility bill is available for free and instant search on 8 the website, that's actually false? 9 A. The information is behind a pay wall. 10 Q. Okay. So you knew that when you wrote that 11 that was false and you were trying to deceive people so 12 that they would go to the website out of fear; is that 13 right? 14 MR. BEAUMONT: Object to form. 15 BY THE WITNESS: 16 A. I don't know. I don't know what my 17 motivation was at the time. 18 BY MR. KIMREY: 19 Q. Okay. But you definitely lied; right? 20 A. Well -- I don't know. 21 Q. What you said was untrue; right? 22 A. I don't know. I don't recall. 23 Q. Okay. Did you, in fact, opt out on the 24 website?</p>	<p style="text-align: right;">Page 482</p> <p>1 A. Let me think. 2 Q. Did you have an LG laptop and an LG drive? 3 MR. BEAUMONT: Object to form. 4 BY THE WITNESS: 5 A. The -- the LG is actually paperwork out of my 6 cell phone when I got a new phone. The computer, yes, 7 was ours. 8 BY MR. KIMREY: 9 Q. Do you still have that LG drive? 10 MR. BEAUMONT: Counsel, I'd like to interject 11 here. We've been on the record now for more than three 12 hours today. 13 MR. KIMREY: Let's go off the record. 14 THE VIDEOGRAPHER: Going off the video record 15 at 1:32 p.m. 16 (Discussion had off the 17 record.) 18 We are back on record at 1:34 p.m. 19 You may proceed. 20 MR. KIMREY: Yeah, so Mr. Beaumont just 21 highlighted that we've been going for over three hours, 22 and we went off the record and confirmed with Kevin, the 23 videographer, that we're currently at three hours and one 24 minute.</p>
<p style="text-align: right;">Page 481</p> <p>1 A. I don't know. It was three years ago. 2 Q. Did you visit familytreenow.com ever? 3 A. I don't know. I found out about it from -- I 4 found out about it from Reddit. 5 Q. Okay. Well, we want you to produce your full 6 profile from familytreenow.com. 7 And then, again, you can see you tagged your 8 mom down at the bottom? 9 A. Yes. 10 Q. Were you getting along at that time? 11 A. Barely. 12 Q. What does that mean? 13 A. I'd only ever see her for Christmas, and I 14 talked to her on the phone maybe once every three months. 15 Q. Go to Page 1428, Bates 1428. Do you see the 16 post with the laptop and the -- it looks like a drive of 17 some kind? 18 A. I don't know what that is. It's not a hard 19 drive. 20 Q. Are those your devices? 21 A. They were before they crashed. Actually, no, 22 that's not -- that's not -- I don't know whose laptop 23 that is. No, yeah. 24 Q. Is that your laptop?</p>	<p style="text-align: right;">Page 483</p> <p>1 I have just a handful of additional 2 questions related to Ms. Lukis' Facebook account and 3 related to her LinkedIn account which were as I've noted 4 produced on the eve of her first deposition session and 5 we didn't have time to review and question her about. 6 I'd like to finish that up and then hold the deposition 7 open if Mr. Beaumont and Ms. Lukis are unwilling to go 8 forward for a whole host of additional issues that don't 9 relate to my inability to get through the Facebook 10 account and the LinkedIn account because I -- I think I 11 can get through those in like the next ten minutes. 12 I do note among other issues the Twitter 13 account was recently produced to us, but we have not been 14 able to figure out how to read it because of the format. 15 We have hired a third-party vendor to assist with that. 16 I have not been able to review the Twitter materials 17 because they were just produced, so that's one of the 18 reasons why we are gonna hold Ms. Lukis' deposition open 19 even though we're going to be able to get through the 20 Facebook material and the LinkedIn material in the next 21 ten minutes if, you know, Mr. Beaumont and Ms. Lukis 22 allow me to ask, you know, the handful of questions that 23 I have related to the Facebook and LinkedIn account 24 before we close for the day holding the deposition open.</p>

<p style="text-align: right;">Page 484</p> <p>1 So, Mr. Beaumont, are you willing to allow</p> <p>2 me to finish my questions about this computer that we see</p> <p>3 in the photo, this particular exhibit and a couple of</p> <p>4 other exhibits that relate to the Facebook and LinkedIn</p> <p>5 production that was made on January 4th?</p> <p>6 We can't hear you.</p> <p>7 MR. BEAUMONT: I'm just hearing about this.</p> <p>8 Give me -- let's go off the record and let's take a quick</p> <p>9 break.</p> <p>10 MR. KIMREY: Okay.</p> <p>11 THE VIDEOGRAPHER: Going off the video record</p> <p>12 at 1:36 p.m.</p> <p>13 (WHEREUPON, a break was</p> <p>14 taken.)</p> <p>15 We are back on record at 1:41 p.m.</p> <p>16 You may proceed.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Ms. Lukis, this computer that we're looking</p> <p>19 at in this photo, is that the computer --</p> <p>20 MR. BEAUMONT: Wait. You mind if I just</p> <p>21 interject? We left -- before we went off the record you</p> <p>22 had asked me whether it was okay for an additional ten</p> <p>23 minutes of questioning concerning Facebook and LinkedIn.</p> <p>24 We've discussed this off the record, and I'd just like it</p>	<p style="text-align: right;">Page 486</p> <p>1 A. No. Actually, that was my -- my</p> <p>2 sister-in-law who was living with us at the time.</p> <p>3 Thought she was logged into her Facebook.</p> <p>4 Q. And who is your sister-in-law?</p> <p>5 A. Sophia. I think she's --</p> <p>6 Q. And do you have --</p> <p>7 A. -- times on Facebook.</p> <p>8 Q. I'm sorry. What's her name again?</p> <p>9 A. Sophia Garcia.</p> <p>10 Q. So you remember as you sit here today that on</p> <p>11 January 18, 2016 Sophia was logged onto your Facebook</p> <p>12 account on your computer and posted about Popeye's</p> <p>13 delivering through Grubhub? You remember that today?</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Yes, because she got in trouble for posting</p> <p>17 on my Facebook account. She posted a bunch of other</p> <p>18 stuff that had been deleted. I just forgot about</p> <p>19 deleting that one. She had posted pictures and a bunch</p> <p>20 of other stuff that was on my Facebook but she thought</p> <p>21 she was on hers.</p> <p>22 BY MR. KIMREY:</p> <p>23 Q. Okay. Let's go to 1440.</p> <p>24 A. What?</p>
<p style="text-align: right;">Page 485</p> <p>1 to be clear that we have no objection to an additional</p> <p>2 ten minutes.</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Okay. Is that your computer, Ms. Lukis?</p> <p>5 A. Yes. It's one of them.</p> <p>6 Q. Do you still have that computer?</p> <p>7 A. Yes. Still have the hard drive for it.</p> <p>8 Q. What is it? What kind of computer is it?</p> <p>9 A. I think it's an HP.</p> <p>10 Q. Okay. So we'd, you know, definitely like you</p> <p>11 to search for information in this case.</p> <p>12 Do you still have that drive, that LG drive?</p> <p>13 A. That's not a hard drive. That's a piece of</p> <p>14 paper that was inside the box for my cell phone when I</p> <p>15 got it.</p> <p>16 Q. Oh, okay. Got it.</p> <p>17 A. Like the registration and that -- the</p> <p>18 information packet that you get for a new phone.</p> <p>19 Q. Okay. Let's go to 1430. So do you see about</p> <p>20 four inches from the bottom it says: "Dude," and I think</p> <p>21 this is your post: "Dude, I just found out that Popeye's</p> <p>22 delivers to my house through Grubhub and that there are</p> <p>23 places in the U.S. where gas is under \$1 a gallon." Did</p> <p>24 you write that?</p>	<p style="text-align: right;">Page 487</p> <p>1 Q. Let's go to 1440. At the bottom of this page</p> <p>2 you posted: "I just want to let you know how amazing my</p> <p>3 husband is. He never posts terrible Facebook statuses</p> <p>4 for me no matter how many times he catches my account</p> <p>5 open." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Did you write that?</p> <p>8 A. Yes.</p> <p>9 Q. How does he catch your account open?</p> <p>10 A. At the time we each had our own computers.</p> <p>11 Q. So, in other words, you're talking about his</p> <p>12 ability to just walk up to your computer and start</p> <p>13 posting in your Facebook account as his computer?</p> <p>14 A. He also knows my user name and password.</p> <p>15 He's my husband. You're telling me your wife doesn't</p> <p>16 know any of your user name and passwords?</p> <p>17 Q. But that's not that says. He says -- this</p> <p>18 says: "He never posts terrible Facebook statuses for me</p> <p>19 no matter how many times he catches my account open."</p> <p>20 A. Yeah. It's -- he walks up to my computer and</p> <p>21 I'm logged into Facebook. It's not that difficult.</p> <p>22 Q. Okay. Let's move on, next exhibit. This is</p> <p>23 at 237. It will be marked as 41. So this is part of</p> <p>24 your production, and it says "Profile Information." Is</p>



<p style="text-align: right;">Page 488</p> <p>1 this, in fact, your profile information for Facebook?</p> <p>2 A. As far as I know.</p> <p>3 Q. Did you provide all of this information to</p> <p>4 Facebook?</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I don't know how they got my birth date.</p> <p>8 Most of it's correct.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Did -- did you provide it to Facebook?</p> <p>11 A. I didn't give them my birth date.</p> <p>12 Q. Did you provide everything else to Facebook</p> <p>13 that's --</p> <p>14 A. Yes.</p> <p>15 Q. -- depicted in this profile?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Let's move on. Next item, this is the</p> <p>18 next exhibit. It's going to be marked I think 41 or no,</p> <p>19 42, and it's from folder 238. It's the Profile Update</p> <p>20 History. So this indicates -- this is part of your</p> <p>21 production, Ms. Lukis. You can see Bates 1447 in the</p> <p>22 lower right-hand corner. And this is your Profile Update</p> <p>23 History for Facebook. Do you see that?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 490</p> <p>1 phone number. I just don't remember what that other</p> <p>2 phone number was because I only had it for two weeks.</p> <p>3 Q. So when did you change the phone number (312)</p> <p>4 459-0876?</p> <p>5 A. I got that in October, but in September I had</p> <p>6 changed my phone number when I was on Sprint because we</p> <p>7 left Virginia to come back to Chicago, and I had that</p> <p>8 phone number about two weeks, and then she went and --</p> <p>9 went and bought the profile information, got the new</p> <p>10 phone number, and then I changed it again. Even changed</p> <p>11 carrier.</p> <p>12 Q. Okay. You testified previously in your</p> <p>13 deposition that the phone number that she obtained from</p> <p>14 Whitepages and ICM is (312) 459-0876. So are you saying</p> <p>15 that that's not correct?</p> <p>16 MR. BEAUMONT: Form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I'm getting confused. Hold on. Let me</p> <p>19 think. Let me see what phone number I had. I don't</p> <p>20 remember. I'm confusing myself. I don't know. I can't</p> <p>21 remember which phone number it was that -- I think it was</p> <p>22 the 0876 that she called me on. It's just -- I know I</p> <p>23 had to change my phone number multiple times after we</p> <p>24 left Virginia.</p>
<p style="text-align: right;">Page 489</p> <p>1 Q. And it shows that on October 18, 2018 you</p> <p>2 provided cell phone number (312) 459-0876 to Facebook.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Is that after you had the phone call with</p> <p>6 your mom where your mom said she got the phone number</p> <p>7 from Whitepages and Instant CheckMate?</p> <p>8 A. Yes.</p> <p>9 MR. BEAUMONT: Object to form.</p> <p>10 BY MR. KIMREY:</p> <p>11 Q. So after your mom called you and told you</p> <p>12 about finding out your number you then shared that number</p> <p>13 with Facebook; is that right?</p> <p>14 A. Oh, no.</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. It was a -- I had a different phone number</p> <p>18 that she had found on Instant CheckMate, and then I ended</p> <p>19 up switching to that phone number when I switched</p> <p>20 carriers.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. What?</p> <p>23 A. That -- I've had -- I changed that to that</p> <p>24 phone number after she called me and got a different</p>	<p style="text-align: right;">Page 491</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. But your current phone number on your cell</p> <p>3 phone is (312) 459-0876; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And do you know what date you obtained that</p> <p>6 phone number on?</p> <p>7 A. I think sometime in -- sometime in October.</p> <p>8 I don't remember the exact date.</p> <p>9 Q. October 2018?</p> <p>10 A. Yes.</p> <p>11 Q. Was it after -- was it after or before you</p> <p>12 had the phone call with your mom where she said that she</p> <p>13 obtained your number from Instant CheckMate and</p> <p>14 Whitepages?</p> <p>15 A. I don't recall the exact date of the phone --</p> <p>16 of the -- that I had the phone call with her. You've got</p> <p>17 me confused right now, and I'm -- I just need a second to</p> <p>18 try and think. I'm getting myself confused, and I don't</p> <p>19 want to do that.</p> <p>20 MR. KIMREY: Can you reread my last question?</p> <p>21 (Requested portion of the</p> <p>22 record read.)</p> <p>23 MR. BEAUMONT: Object to the form of the</p> <p>24 question.</p>

<p style="text-align: right;">Page 492</p> <p>1 BY THE WITNESS:</p> <p>2 A. This is the -- this is the phone number that</p> <p>3 she got. I got myself all confused. This is the phone</p> <p>4 number she got from Instant CheckMate and Whitepages.</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Okay. And after she got it from Instant</p> <p>7 CheckMate and Whitepages allegedly you shared the phone</p> <p>8 number with Facebook; right?</p> <p>9 A. It is only visible to people who are my</p> <p>10 friends.</p> <p>11 Q. So once you shared the phone number with</p> <p>12 Facebook it became visible to all of your friends; is</p> <p>13 that right?</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. To my friends, yes, but by that time, my</p> <p>17 mother was already blocked. She couldn't get it.</p> <p>18 BY MR. KIMREY:</p> <p>19 Q. Okay. Let's move onto Exhibit 43 which is</p> <p>20 239. This exhibit I'm not going to -- I just want to</p> <p>21 confirm that you produced it. It looks like that when</p> <p>22 you print it out. It's about four inches thick, and at</p> <p>23 the top you can see -- this is part of what you produced</p> <p>24 on the eve of your first deposition session, and it's</p>	<p style="text-align: right;">Page 494</p> <p>1 log does not accurately reflect all of your activity on</p> <p>2 Facebook?</p> <p>3 MR. BEAUMONT: Object to form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. It -- I would assume it records every time</p> <p>6 that my Facebook profile has been activated, but, again,</p> <p>7 I'm not the only person who knows how to get into my</p> <p>8 Facebook account.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Okay. Who knows how to get into your</p> <p>11 Facebook account besides you?</p> <p>12 A. My husband.</p> <p>13 Q. Who else?</p> <p>14 A. That's it.</p> <p>15 Q. Okay. Let's move onto the next exhibit.</p> <p>16 This is 41, 2.41. This also was part of your production</p> <p>17 on January 4th, and it shows authorized log-ins to your</p> <p>18 account. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Do you have any reason to believe that</p> <p>21 this does not accurately reflect the authorized log-ins</p> <p>22 to your account?</p> <p>23 MR. BEAUMONT: Objection --</p> <p>24</p>
<p style="text-align: right;">Page 493</p> <p>1 Account Activity. Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. So this is a log of all of your account</p> <p>4 activity on Facebook. Do you have any reason to believe</p> <p>5 that that is not the case?</p> <p>6 A. No.</p> <p>7 MR. BEAUMONT: Object to form.</p> <p>8</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Okay. So this accurately reflects all of</p> <p>11 your activity on Facebook; correct?</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. That was the last time I logged into</p> <p>15 Facebook, correct.</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. But this log accurately reflects all of your</p> <p>18 activity on Facebook; correct?</p> <p>19 A. I don't know.</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I would assume so.</p> <p>23 BY MR. KIMREY:</p> <p>24 Q. Do you have any reason to believe that this</p>	<p style="text-align: right;">Page 495</p> <p>1 BY THE WITNESS:</p> <p>2 A. No.</p> <p>3 MR. BEAUMONT: -- form of the question. Also,</p> <p>4 objection to the form of the previous question.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Sorry. What was that?</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. So this shows all of the devices and browsers</p> <p>9 you used and IP addresses to access your account. Do you</p> <p>10 see that?</p> <p>11 A. I would guess so.</p> <p>12 Q. Okay. So all of these devices and browsers</p> <p>13 are material to this litigation, and we want for all of</p> <p>14 the browser history and all of the devices that are</p> <p>15 depicted in this exhibit to be properly searched for</p> <p>16 material that's relevant and proportional to the needs of</p> <p>17 this case. So we make that request because it's our</p> <p>18 understanding that you did not search any of these</p> <p>19 devices, you know, related to this litigation.</p> <p>20 Let's move onto the next exhibit.</p> <p>21 MR. BEAUMONT: Counsel, I'd just like to note</p> <p>22 that we're past ten minutes.</p> <p>23 Should we go off the record and discuss</p> <p>24 what additional --</p>

<p style="text-align: right;">Page 496</p> <p>1 MR. KIMREY: Yeah, I've got a little bit more</p> <p>2 on Facebook and then a little bit on LinkedIn, and then</p> <p>3 I'm going to hold it open after that unless you just shut</p> <p>4 it down and don't let me get through everything that's</p> <p>5 material from the January 4th production.</p> <p>6 THE WITNESS: Well, I do have --</p> <p>7 MR. BEAUMONT: Can you provide an estimate as</p> <p>8 to how much more you have?</p> <p>9 MR. KIMREY: I'd say another ten minutes to</p> <p>10 get through Facebook and LinkedIn.</p> <p>11 MR. BEAUMONT: Let's take a quick break.</p> <p>12 MR. KIMREY: Okay.</p> <p>13 THE VIDEOGRAPHER: Going off the video record</p> <p>14 at 1:52 p.m.</p> <p>15 (WHEREUPON, a break was</p> <p>16 taken.)</p> <p>17 We are back on record at 2:03 p.m.</p> <p>18 You may proceed.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Okay. So what's on the screen right now, Ms.</p> <p>21 Lukis, has been marked as Exhibit 45. It's part of your</p> <p>22 production from January 4th. It shows mobile devices</p> <p>23 with which you've logged onto Facebook. And do you have</p> <p>24 any reason to believe that this is not your mobile</p>	<p style="text-align: right;">Page 498</p> <p>1 apparently has this number (312) 459-0876. Did you</p> <p>2 provide that number to LinkedIn?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 MR. BEAUMONT: Object to form.</p> <p>6 MR. KIMREY: All right. So Mr. Beaumont wants</p> <p>7 to do Redirect. You need to leave, Ms. Lukis, at 2:45 to</p> <p>8 run next door or a few doors down to get your daughter.</p> <p>9 I'm not done questioning you because of a</p> <p>10 whole host of issues, but to accommodate Mr. Beaumont and</p> <p>11 you given your need to pick up your child, I am handing</p> <p>12 it over to Mr. Beaumont.</p> <p>13 You know, I reserve the right to, you</p> <p>14 know, respond to his Redirect, and I'm also going to hold</p> <p>15 the deposition open because a lot of what you produced is</p> <p>16 black boxes.</p> <p>17 Mr. Beaumont, the e-mail that you just</p> <p>18 sent to us just sent us black boxes again, so you can't</p> <p>19 see what you sent us. It's all black boxes. And there</p> <p>20 are a lot of things we've asked for that we haven't</p> <p>21 gotten that we should have gotten before your deposition</p> <p>22 even began.</p> <p>23 So with that, I'm turning it over to Mr.</p> <p>24 Beaumont.</p>
<p style="text-align: right;">Page 497</p> <p>1 device?</p> <p>2 A. It looks like my --</p> <p>3 MR. BEAUMONT: Object to form.</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. Does the LMQ720 look like your current cell</p> <p>6 phone?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Next exhibit, this will be 46. And</p> <p>9 it's 2.43. No, this is not the right one. That's the</p> <p>10 right one. Okay. So this has been marked as 46. This</p> <p>11 is a log from Facebook that you produced that shows where</p> <p>12 you logged in from. Do you have any reason to believe</p> <p>13 that this information is incorrect?</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Not to my knowledge.</p> <p>17 BY MR. KIMREY:</p> <p>18 Q. Okay. Let's move onto the next exhibit.</p> <p>19 This is going to be 47. It's at 245. I think we just</p> <p>20 flashed it on the screen earlier. No, next. We're not</p> <p>21 using that. It's at tab I believe 245. Yes. No, that's</p> <p>22 not it. Keep going. Yes.</p> <p>23 Okay. This was from your production on</p> <p>24 January 4th, Ms. Lukis, related to LinkedIn, and LinkedIn</p>	<p style="text-align: right;">Page 499</p> <p>1 MR. BEAUMONT: And we're going to take another</p> <p>2 quick break.</p> <p>3 MR. KIMREY: Okay.</p> <p>4 THE VIDEOGRAPHER: Going off the video record</p> <p>5 at 2:06 p.m.</p> <p>6 (WHEREUPON, a break was</p> <p>7 taken.)</p> <p>8 We are back on the record at 2:21 p.m.</p> <p>9 You may proceed.</p> <p>10 MR. BEAUMONT: Good afternoon, Ms. Lukis. I</p> <p>11 just have a few questions for you.</p> <p>12 CROSS EXAMINATION</p> <p>13 BY MR. BEAUMONT:</p> <p>14 Q. Do you -- do you review the documents</p> <p>15 that get filed in this case?</p> <p>16 MR. KIMREY: Objection, vague.</p> <p>17 MR. BEAUMONT: I'm sorry. Is Ms. Lukis there?</p> <p>18 THE VIDEOGRAPHER: She is present on camera.</p> <p>19 MR. BEAUMONT: Ms. Lukis, can you hear me?</p> <p>20 THE VIDEOGRAPHER: Would you like to go off --</p> <p>21 MR. TOTH: She might have her speakers down or</p> <p>22 something.</p> <p>23 THE VIDEOGRAPHER: All right. Let's go off</p> <p>24 record. We are off record at 2:22 p.m.</p>

<p style="text-align: right;">Page 500</p> <p>1 (Discussion had off the</p> <p>2 record.)</p> <p>3 We are back on the record at 2:23 p.m.</p> <p>4 You may proceed.</p> <p>5 BY MR. BEAUMONT:</p> <p>6 Q. Ms. Lukis --</p> <p>7 A. Yep.</p> <p>8 Q. -- do you review the filings that get filed</p> <p>9 in this case?</p> <p>10 MR. KIMREY: Objection, vague, ambiguous, no</p> <p>11 specification as to time frame.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Yes, I do.</p> <p>14 BY MR. BEAUMONT:</p> <p>15 Q. And how do you do that?</p> <p>16 MR. KIMREY: Same objections, no specification</p> <p>17 as to time frame.</p> <p>18 BY THE WITNESS:</p> <p>19 A. On my computer I get them e-mailed and then</p> <p>20 there's a shared drive that I can -- that I can access to</p> <p>21 be able to look at them.</p> <p>22 BY MR. BEAUMONT:</p> <p>23 Q. Is it your understanding that you may be</p> <p>24 compensated for your work as a class representative</p>	<p style="text-align: right;">Page 502</p> <p>1 the role of a manager of an LLC?</p> <p>2 MR. KIMREY: Objection, vague, ambiguous.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't know. I mean no, I do not.</p> <p>5 BY MR. BEAUMONT:</p> <p>6 Q. When -- when you were asked earlier in this</p> <p>7 deposition if you were the manager of Evergreen Pest</p> <p>8 Control, what was your understanding of the word manager</p> <p>9 when you answered that question?</p> <p>10 A. I was --</p> <p>11 MR. KIMREY: Objection, vague, ambiguous,</p> <p>12 calls for a legal conclusion.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I was the person on the LLC paperwork, and on</p> <p>15 the LLC paperwork it lists manager.</p> <p>16 BY MR. BEAUMONT:</p> <p>17 Q. Okay. So when you were -- when you were</p> <p>18 asked about whether you were a manager, your response was</p> <p>19 no?</p> <p>20 MR. KIMREY: Objection, misleading,</p> <p>21 mischaracterizes her testimony, asked and answered.</p> <p>22 BY MR. BEAUMONT:</p> <p>23 Q. Do you recall that?</p> <p>24 MR. KIMREY: Objection --</p>
<p style="text-align: right;">Page 501</p> <p>1 should the case be successful?</p> <p>2 MR. KIMREY: Objection --</p> <p>3 BY THE WITNESS:</p> <p>4 A. Yes.</p> <p>5 MR. KIMREY: -- inappropriate leading. You</p> <p>6 can't lead your own client. That was a leading question.</p> <p>7 It's improper, vague, ambiguous.</p> <p>8</p> <p>9 BY THE WITNESS:</p> <p>10 A. Yes, I am aware.</p> <p>11 BY MR. BEAUMONT:</p> <p>12 Q. Were you sent the Complaint in this matter</p> <p>13 before it was filed?</p> <p>14 A. The initial one --</p> <p>15 MR. KIMREY: Objection, vague, ambiguous.</p> <p>16 BY THE WITNESS:</p> <p>17 A. The initial one I -- I don't have the stamp</p> <p>18 on the top of it whether it was already filed before I</p> <p>19 was sent it. I think I received it before it was</p> <p>20 actually filed.</p> <p>21 MR. KIMREY: Objection, inconsistent with</p> <p>22 prior testimony. I move to strike.</p> <p>23 BY MR. BEAUMONT:</p> <p>24 Q. Do you understand how Illinois law defines</p>	<p style="text-align: right;">Page 503</p> <p>1 BY THE WITNESS:</p> <p>2 A. Yes.</p> <p>3 MR. KIMREY: -- misleading, mischaracterizes</p> <p>4 her testimony, asked and answered.</p> <p>5 BY MR. BEAUMONT:</p> <p>6 Q. I'm sorry, Ms. Lukis. Did you answer the</p> <p>7 question?</p> <p>8 A. Yes.</p> <p>9 MR. KIMREY: Objection, misleading,</p> <p>10 mischaracterizes her testimony, asked and answered.</p> <p>11 MR. BEAUMONT: Whether she had answered.</p> <p>12 BY MR. BEAUMONT:</p> <p>13 Q. And so when you -- when you said that you</p> <p>14 were not the manager, what was your understanding of --</p> <p>15 of the word manager when --</p> <p>16 A. My understanding was --</p> <p>17 MR. KIMREY: Objection, unintelligible.</p> <p>18 BY THE WITNESS:</p> <p>19 A. My understanding --</p> <p>20 BY MR. BEAUMONT:</p> <p>21 Q. You can go ahead, Ms. Lukis.</p> <p>22 MR. KIMREY: Same objection, vague, ambiguous,</p> <p>23 unintelligible, asked and answered.</p> <p>24 BY THE WITNESS:</p>

<p style="text-align: right;">Page 504</p> <p>1 A. Would you like for me to answer?</p> <p>2 BY MR. BEAUMONT:</p> <p>3 Q. Yes, please.</p> <p>4 MR. KIMREY: Same objections.</p> <p>5 BY THE WITNESS:</p> <p>6 A. The day-to-day management of the operation</p> <p>7 was done by my husband. I was not the manager who</p> <p>8 handled any of the pest control side of it. I was just</p> <p>9 the manager on the LLC paperwork.</p> <p>10 BY MR. BEAUMONT:</p> <p>11 Q. Have you had any motor vehicle infractions?</p> <p>12 MR. KIMREY: Objection, vague, ambiguous, no</p> <p>13 specification to time frame.</p> <p>14 BY THE WITNESS:</p> <p>15 A. Yes, I've gotten tickets for like not having</p> <p>16 a driver's or not having -- a suspended license and</p> <p>17 whatnot.</p> <p>18 BY MR. BEAUMONT:</p> <p>19 Q. Do you remember -- do you remember every</p> <p>20 single one of your motor vehicle infractions?</p> <p>21 MR. KIMREY: Objection, vague, ambiguous,</p> <p>22 asked and answered, calls for speculation.</p> <p>23 BY THE WITNESS:</p> <p>24 A. No, I don't. I -- if you -- if I get a</p>	<p style="text-align: right;">Page 506</p> <p>1 the record. I believe that your response was that you</p> <p>2 quote -- you only really text with your husband and</p> <p>3 mother-in-law. And so I'd like you to tell me what you</p> <p>4 meant by that.</p> <p>5 MR. KIMREY: Objection, asked and answered,</p> <p>6 vague, ambiguous.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I -- the only -- if I need to get in contact</p> <p>9 with someone, I call them. I don't text back and forth.</p> <p>10 The only reason I really get in text conversations with</p> <p>11 my mother-in-law and my husband is regarding going and</p> <p>12 doing something. I do receive text messages spam all the</p> <p>13 time, and if it counts, I respond to them to opt out and</p> <p>14 I've -- I've texted my sister-in-law once with my new</p> <p>15 phone number, and I have -- I have text messages between</p> <p>16 me and Mr. Beaumont, but the rest of the text messages I</p> <p>17 get are literally spam and most of the time in Chinese.</p> <p>18 BY MR. BEAUMONT:</p> <p>19 Q. I'd like to switch now to -- Blaine, did you</p> <p>20 introduce Bates numbers 281 to 113 -- no, I'm sorry --</p> <p>21 1113, Plaintiff's Bates numbers 281 to 1113 as an exhibit</p> <p>22 in the -- in this deposition?</p> <p>23 MR. KIMREY: That was one of the exhibits that</p> <p>24 was just a series of black boxes, and I believe it was</p>
<p style="text-align: right;">Page 505</p> <p>1 ticket for speeding, I pay it and send it off, and I</p> <p>2 just -- I don't think about it after that.</p> <p>3 BY MR. BEAUMONT:</p> <p>4 Q. How did you meet me, your lawyer, in this</p> <p>5 case?</p> <p>6 MR. KIMREY: Objection. You instructed her</p> <p>7 not to answer when I asked her that question, and you</p> <p>8 claimed that it was attorney/client privilege and work</p> <p>9 product protected. You're now asking her the exact same</p> <p>10 question I asked her to elicit the testimony you barred</p> <p>11 me from eliciting from her. It's inappropriate, but you</p> <p>12 can answer.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I answered an InstantCheck -- I'm sorry. I</p> <p>15 answered a Craigslist ad and was -- received an e-mail</p> <p>16 response from -- I believe she was a paralegal.</p> <p>17 MR. KIMREY: Okay. And I'd like to note we</p> <p>18 would like that Craigslist ad produced to us immediately</p> <p>19 as I've already noted before.</p> <p>20 BY MR. BEAUMONT:</p> <p>21 Q. Earlier in this deposition you were asked</p> <p>22 about whether you had used your current phone number to</p> <p>23 send text messages, and it was a little bit unclear as to</p> <p>24 what your response was, and so I would like to clarify</p>	<p style="text-align: right;">Page 507</p> <p>1 entered as Exhibit 26, but it shows nothing. It's just a</p> <p>2 series of black boxes.</p> <p>3 And I just note for the record that you</p> <p>4 e-mailed it to us again because you said that it wasn't a</p> <p>5 series of black boxes, but your e-mail attached a PDF</p> <p>6 that was, in fact, a series of black boxes.</p> <p>7 MR. BEAUMONT: I'd like to ask Mr. Toth to</p> <p>8 pull up Exhibit 26, please.</p> <p>9 MR. KIMREY: Yeah, that's fine with me. This</p> <p>10 is Blaine Kimrey.</p> <p>11 MR. BEAUMONT: Mr. Toth, I ask you to scroll</p> <p>12 down to Page 180.</p> <p>13 MR. KIMREY: I just note for the record that</p> <p>14 I've never seen this before. Is this the only page in</p> <p>15 this entire exhibit that's not redacted?</p> <p>16 MR. BEAUMONT: Yes. Yes. And we were on</p> <p>17 Bates number -- you can actually -- for whatever reason I</p> <p>18 can't see the Bates number. Mr. Toth, can you tell us --</p> <p>19 MR. KIMREY: It says -- I'll say it.</p> <p>20 MR. BEAUMONT: -- what the Bates number is?</p> <p>21 MR. KIMREY: It says Plaintiff's Bates Number</p> <p>22 460.</p> <p>23 MR. BEAUMONT: Thank you. It's cut off at the</p> <p>24 bottom of my screen.</p>


<p style="text-align: right;">Page 508</p> <p>1 MR. KIMREY: This is the first time I'm 2 actually seeing Plaintiff's Bates Number 460 which says: 3 "Your Off Facebook activity." What's weird is her 4 profile is actually blacked out on this. 5 So go ahead, Mr. Beaumont. And what I 6 mean by her profile is blacked out, her picture is a 7 black circle rather than her face. 8 9 BY MR. BEAUMONT: 10 Q. Ms. Lukis, in reviewing your Facebook records 11 we found a record of someone associated with your 12 computer visiting Whitepages last year. Can you explain 13 that? 14 A. My -- the computer that I'm using right now 15 is communal between me, my husband, my mother-in-law and 16 my sister-in-law, and I'm not always on it and I'm not 17 always here, so I don't know what everybody does when 18 they're on this computer. 19 MR. KIMREY: So just note for the record 20 because this is the first time I'm seeing this, and this 21 helps me process it, has a unique ID and event that says 22 page view and it was received on July 20th of 2020 at 23 7:16 p.m. and then it shows -- but how -- so I'm 24 confused. How can you -- wait. Okay. I see. Activity</p>	<p style="text-align: right;">Page 510</p> <p>1 Q. Was this you? 2 A. No. 3 Q. Okay. And the last thing is -- that I'd like 4 to go over are some questions Mr. Kimrey asked you 5 previously concerning vampires and LARPing, and I'd like 6 to make clear that I withdrew my objections to those, and 7 so some of the questions were -- I've instructed you not 8 to answer. However, I would like to go through those -- 9 go through those questions now and get answers to them. 10 A. Okay. 11 Q. And the -- the first question I see here 12 is -- that you were asked is: "How did you engage in 13 Vampire of the Masquerade -- when, where, who, why, how 14 and with whom?" 15 MR. KIMREY: Okay. This is highly unusual and 16 objectionable because you're now repeating the questions 17 verbatim that I asked her that you instructed her not to 18 answer on. That's not proper at all. I object to it. 19 You should stop. You can't go through and ask all the 20 questions that I asked that you improperly instructed her 21 to answer on. That is not routine -- 22 MR. BEAUMONT: Yeah -- 23 MR. KIMREY: -- in federal court. 24 MR. BEAUMONT: Yeah, I've withdrawn those</p>
<p style="text-align: right;">Page 509</p> <p>1 received from Whitepages.com, and it looks like this 2 shows three visits -- July 20th, 2020 at 7:16 p.m., 3 July 20th, 2020 at 3:24 p.m. and December 6, 2019 at 5:18 4 a.m., and this is the first time I'm realizing that Ms. 5 Lukis' Facebook account reveals somebody through her 6 Facebook account visiting Whitepages on three occasions, 7 one in 2019, two in 2020, and incidentally neither one of 8 these or none of these refers to 2018. 9 THE WITNESS: This is from when -- my 10 computer -- this computer is logged into my Facebook 11 account. I didn't log into -- I wasn't logged in. My 12 husband -- 13 BY MR. BEAUMONT: 14 Q. Ms. Lukis, I'd just like to say that at 15 present Mr. Kimrey is not questioning you. I believe 16 he's just making some observations -- 17 A. Okay. I'll shut my mouth. 18 Q. -- out loud. 19 And so the -- it appears as though from this 20 that it is describing that you are or that Facebook is 21 receiving some activity concerning Whitepages.com on 22 July 20th of 2020 and December 6th of 2019. Do you see 23 that? 24 A. Yes.</p>	<p style="text-align: right;">Page 511</p> <p>1 objections, and so I think that -- I know -- then you and 2 I off the record talked about asking those questions, if 3 you would like to ask those questions now or if you would 4 like to -- 5 MR. KIMREY: No. What I said was you need to 6 identify by page and line the objections you're 7 withdrawing so I can then evaluate whether I'm going to 8 pursue additional questioning of Ms. Lukis on the issues 9 that you're now withdrawing your inappropriate 10 instructions not to answer as to. And I'm not prepared 11 to do that until you identify by page and line what 12 instructions not to answer you're withdrawing. But you 13 are not entitled to go through and ask all the questions 14 I asked and deem that to be satisfactory to me when you 15 are the one who inappropriately instructed her not to 16 answer in the first place. 17 The proper course is for you to identify 18 by page and line what objections you're withdrawing and 19 what instructions not to answer you're withdrawing so 20 that I can then depose Ms. Lukis further on those issues 21 to which you inappropriately instructed her not to 22 answer. 23 MR. BEAUMONT: The questions that you asked 24 are found on Pages 162, lines 11 through 13; 164, lines 8</p>



<p style="text-align: right;">Page 512</p> <p>1 to 9; 165, lines 3 to 4; 165, line 22; 166, lines 14 to 21.</p> <p>3 MR. KIMREY: Anything else? Because you made 4 approximately 26 I think, give or take, instructions not 5 to answer that were inappropriate. Are those the only 6 ones that you're withdrawing?</p> <p>7 MR. BEAUMONT: That's correct.</p> <p>8 MR. KIMREY: Okay. I don't have her 9 transcript in front of me. I don't have those line and 10 page references. I'll need time to look at those to 11 figure out what I'm going to do next, and she has told us 12 that she has to leave by 2:45 Central, and that's two 13 minutes. And what I'm most interested in asking her 14 about at this moment is not her pretending to be a 15 vampire and engaging in LARPing but her Facebook account 16 indicating that she visited Whitepages in 2019 and 2020 17 which I just learned for the first time a few moments 18 ago, so that's what I'm going to spend my time on if I 19 have any more before she needs to pick up her daughter.</p> <p>20 MR. BEAUMONT: Well, I'll turn the witness 21 over to you, and you can ask the questions that you'd 22 like to ask.</p> <p>23 MR. KIMREY: Okay. Please pull up Exhibit 26 24 at the page that reflected Bates 460.</p>	<p style="text-align: right;">Page 514</p> <p>1 Q. Didn't you produce this?</p> <p>2 A. Yes, but I didn't look through every single 3 page of it.</p> <p>4 Q. Did you ask anybody whether they're 5 responsible for this activity?</p> <p>6 A. No.</p> <p>7 Q. Okay. So the most likely conclusion is that 8 you are responsible for it because it's in your Facebook 9 account and it was on your computer with --</p> <p>10 A. It is a shared computer.</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY MR. KIMREY:</p> <p>13 Q. -- the password protected; right?</p> <p>14 MR. BEAUMONT: Object to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. It's a shared computer, so multiple people 17 could have been on it. I could have just left my 18 Facebook account open and somebody --</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. But you didn't bother asking anybody whether 21 they did, did you?</p> <p>22 A. I didn't know this -- I didn't know this was 23 there. I didn't go through every single page of the -- 24 what was it -- a couple hundred megabytes of a file from</p>
<p style="text-align: right;">Page 513</p> <p>1 MR. BEAUMONT: I forgot what page that was.</p> <p>2 MR. KIMREY: I don't know what page it is.</p> <p>3 MR. BEAUMONT: It's 180. It's 180.</p> <p>4 REDIRECT EXAMINATION</p> <p>5 BY MR. KIMREY:</p> <p>6 Q. Okay. We're looking at Exhibit 26, Bates 460 7 which I saw for the first time today. The rest of this 8 exhibit is black boxes. We didn't recognize that there 9 was one single non-black box in the black boxes, and we 10 couldn't search it by Bates, so we hadn't seen Bates 460 11 until today. And what this appears to show is that 12 someone was inside of your Facebook account on your 13 computer, Ms. Lukis, and engaging in some kind of 14 activity on Whitepages.com. Who was that?</p> <p>15 A. I don't know. My Face -- my -- the computer 16 was logged into Facebook under my account, but I don't 17 know who did it. It could have been my mother-in-law, my 18 husband or my sister-in-law.</p> <p>19 Q. Did you ask your husband whether he did this?</p> <p>20 A. No.</p> <p>21 Q. Did you ask your --</p> <p>22 A. I didn't know about it --</p> <p>23 Q. -- mother-in-law whether she did this?</p> <p>24 A. No. I didn't know about it until today.</p>	<p style="text-align: right;">Page 515</p> <p>1 Facebook.</p> <p>2 Q. Is it possible that you visited Whitepages 3 more than once?</p> <p>4 A. No, as I was instructed not to go onto the 5 website once the lawsuit began.</p> <p>6 Q. I'm not asking you about once the lawsuit 7 began. I'm asking you whether it's possible that at any 8 point in time you visited the Whitepages website more 9 than once.</p> <p>10 A. No. I went on it when --</p> <p>11 MR. BEAUMONT: Object to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. -- I found out about it.</p> <p>14 BY MR. KIMREY:</p> <p>15 Q. What was the answer?</p> <p>16 A. I said no. I went on it when I found out 17 about it and got mad at it and walked away from it. I've 18 never gone back onto the website since.</p> <p>19 Q. Okay. So on July 20th, 2020 who had access 20 to your Facebook account?</p> <p>21 MR. BEAUMONT: Object to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. My husband, my mother-in-law and my 24 sister-in-law. They had access -- at any point they had</p>

<p style="text-align: right;">Page 516</p> <p>1 access to this computer.</p> <p>2 BY MR. KIMREY:</p> <p>3 Q. And at any point they had access to your</p> <p>4 Facebook account?</p> <p>5 A. If I forgot to log out.</p> <p>6 Q. But don't you have a password on your</p> <p>7 computer?</p> <p>8 MR. BEAUMONT: Object to form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. That the three of them know.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. What's your mother-in-law's name?</p> <p>13 A. Arlene Elm or Garcia. I'm not sure which one</p> <p>14 it pulled up on her.</p> <p>15 Q. Okay. We want to depose her right away,</p> <p>16 Arlene Elm/Garcia.</p> <p>17 What's your sister-in-law's name?</p> <p>18 A. Sophia Ramirez.</p> <p>19 Q. Sophia Ramirez. We want to depose her right</p> <p>20 away, and we also want to depose Paul right away because</p> <p>21 we want -- so are those the only people who could have</p> <p>22 engaged in this activity other than you on July 20th,</p> <p>23 2020?</p> <p>24 A. They are the only people who would have</p>	<p style="text-align: right;">Page 518</p> <p>1 A. I don't understand what you're -- what you</p> <p>2 mean.</p> <p>3</p> <p>4 BY MR. KIMREY:</p> <p>5 Q. So we have asserted in this case that you</p> <p>6 agreed to arbitration of your claim and you agreed to</p> <p>7 waiver -- to waive your right to proceed on behalf of the</p> <p>8 class because of your activity related to the Whitepages</p> <p>9 website, and we've now just learned that despite your</p> <p>10 testimony that you visited the site only once that</p> <p>11 Facebook has evidence of your computer accessing</p> <p>12 Whitepages on at least three other occasions, and that is</p> <p>13 relevant to arbitrability of your claim and whether you</p> <p>14 can proceed for class relief. And we need to get to the</p> <p>15 bottom of who engaged in this activity including but not</p> <p>16 limited to deposing your husband, your mother-in-law and</p> <p>17 your sister-in-law but also sending a subpoena to</p> <p>18 Facebook. Do you understand that?</p> <p>19 A. Yes.</p> <p>20 MR. BEAUMONT: Object to form.</p> <p>21 BY MR. KIMREY:</p> <p>22 Q. And are you -- despite that are you still</p> <p>23 willing to proceed as a class representative in this</p> <p>24 litigation?</p>
<p style="text-align: right;">Page 517</p> <p>1 access to this computer.</p> <p>2 Q. Okay. What about on December 6, 2019, who</p> <p>3 had the ability to log into your Facebook account and</p> <p>4 access Whitepages through it?</p> <p>5 A. Like I said, if I left my computer -- left</p> <p>6 the computer logged into Facebook, any activity for that</p> <p>7 day would be logged in as under my Facebook account.</p> <p>8 Q. No, but who had access --</p> <p>9 A. My husband, my --</p> <p>10 Q. -- the same people?</p> <p>11 A. -- mother-in-law and my sister-in-law.</p> <p>12 Q. Anybody else?</p> <p>13 A. No. They're the only ones who have access to</p> <p>14 this computer.</p> <p>15 Q. You've realize that you've just made them</p> <p>16 witnesses in this case and they're going to have to sit</p> <p>17 for depositions in this case as to the issues of</p> <p>18 arbitrability and class waiver?</p> <p>19 MR. BEAUMONT: Object to form.</p> <p>20 BY MR. KIMREY:</p> <p>21 Q. Do you realize that?</p> <p>22 MR. BEAUMONT: Objection, calls for legal</p> <p>23 conclusion.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 519</p> <p>1 A. Yes.</p> <p>2 MR. BEAUMONT: Object to form.</p> <p>3</p> <p>4 THE WITNESS: And I've got to get going.</p> <p>5 MR. KIMREY: So I'm not finished, and I</p> <p>6 understand you need to pick up your daughter, and that's</p> <p>7 fine. I understand picking up kids, but just two more</p> <p>8 quick questions.</p> <p>9 BY MR. KIMREY:</p> <p>10 Q. Have you ever searched for anyone's phone</p> <p>11 number on line?</p> <p>12 MR. BEAUMONT: Object to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Like typing in their phone number trying to</p> <p>15 find it or --</p> <p>16 BY MR. KIMREY:</p> <p>17 Q. Yeah, trying to find it on the internet.</p> <p>18 A. No. If I need somebody's phone number, I'll</p> <p>19 ask them for it.</p> <p>20 Q. So you've never ever in your life searched</p> <p>21 for someone's phone number on the internet?</p> <p>22 MR. BEAUMONT: Object to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I don't know. I don't know.</p>

<p style="text-align: right;">Page 520</p> <p>1 BY MR. KIMREY:</p> <p>2 Q. So it's possible that you did?</p> <p>3 A. I don't know what I've done over the past 20</p> <p>4 years.</p> <p>5 Q. So it's possible that you did search for --</p> <p>6 MR. BEAUMONT: Object to form.</p> <p>7 BY MR. KIMREY:</p> <p>8 Q. -- someone's phone number on the internet?</p> <p>9 BY THE WITNESS:</p> <p>10 A. I don't know.</p> <p>11 BY MR. KIMREY:</p> <p>12 Q. So I guess it's possible then.</p> <p>13 Do you know any other members of the class by</p> <p>14 name?</p> <p>15 MR. BEAUMONT: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. No. I don't -- on all the forms I've seen</p> <p>18 it's just my name.</p> <p>19 BY MR. KIMREY:</p> <p>20 Q. Okay. So you haven't seen anybody else</p> <p>21 proposed to be a class representative in this case; is</p> <p>22 that right?</p> <p>23 MR. BEAUMONT: Object to form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 522</p> <p>1 our schedule and the various deadlines in the case.</p> <p>2 So with that, you know, by all means, go</p> <p>3 pick up your daughter.</p> <p>4 And does anyone have anything else to say?</p> <p>5 MR. BEAUMONT: I'm sorry, Blaine. I didn't --</p> <p>6 can you repeat that?</p> <p>7 MR. KIMREY: I said does anyone else have</p> <p>8 anything else to say.</p> <p>9 MR. BEAUMONT: Okay. Okay. I think we're</p> <p>10 done.</p> <p>11 MR. KIMREY: Well, we're not done. We're</p> <p>12 holding it open, but we're suspending for today so Ms.</p> <p>13 Lukis can go pick up her daughter.</p> <p>14 With that, we can go off the record.</p> <p>15 THE VIDEOGRAPHER: We are going off the video</p> <p>16 record at 2:53 p.m.</p> <p>17 That concludes the testimony. That's it.</p> <p>18 Thank you, all.</p> <p>19 MR. BEAUMONT: She would like to read and</p> <p>20 sign.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 521</p> <p>1 A. As far as I've seen, that's correct.</p> <p>2</p> <p>3 BY MR. KIMREY:</p> <p>4 Q. Okay. Mr. Beaumont asked you how you met</p> <p>5 him, and you said that you sent a message through</p> <p>6 Craigslist and a paralegal called you. What's the name</p> <p>7 of the paralegal?</p> <p>8 A. Victoria. I think her last name was LaTorre.</p> <p>9 Q. What happened next?</p> <p>10 A. I was sent the information. I talked to -- I</p> <p>11 talked to her about being a class representative, and</p> <p>12 then I was sent all of the documentation over to -- to</p> <p>13 the client -- the paperwork to get this started with me</p> <p>14 as a client.</p> <p>15 Q. When did you first speak with Mr. Beaumont?</p> <p>16 A. I don't remember. I'd have to go searching</p> <p>17 my e-mail.</p> <p>18 And I've -- I'm willing to pick this up again</p> <p>19 on Tuesday or Wednesday so that way I don't -- my</p> <p>20 mother's not late for work.</p> <p>21 MR. KIMREY: That's fine. We are holding the</p> <p>22 deposition open. We reserve all rights. We reserve our</p> <p>23 objections, and we will consult with your counsel about</p> <p>24 when we resume the deposition based on their schedule,</p>	<p style="text-align: right;">Page 523</p> <p>1 SIGNATURE:</p> <p>2 It was agreed by and between counsel and the parties that</p> <p>3 the Deponent will read and sign the transcript of said</p> <p>4 deposition.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

<p style="text-align: right;">Page 524</p> <p>1 STATE OF ILLINOIS)  ) SS:  2 COUNTY OF C O O K)  3  I, KELLY A. BRICHETTO, a Certified Shorthand  4  Reporter of said state, do hereby certify  5  that the within named witness, STEPHANIE LUKIS, was by me  6  first duly sworn to testify the truth, the whole truth  7  and nothing but the truth in the cause aforesaid; that  8  the testimony then given by the above-referenced witness  9  was by me reduced to stenotype in the presence of said  10  witness; afterwards transcribed, and that the foregoing  11  is a true and correct transcription of the testimony so  12  given by the above-referenced witness.  13  I do further certify that this deposition was  14  taken at the time and place in the foregoing caption  15  specified and was completed without adjournment.  16  I do further certify that I am not a relative,  17  counsel or attorney for either party or otherwise  18  interested in the event of this action.  19  20  21  22  23  24</p>	<p style="text-align: right;">Page 526</p> <p>1 Veritext Legal Solutions  1100 Superior Ave  2 Suite 1820  Cleveland, Ohio 44114  3 Phone: 216-523-1313  4  January 15, 2021  5  To: Mr. Beaumont  6  Case Name: Lukis, Stephanie v. Whitepages, Inc.  7  Veritext Reference Number: 4397615  8  Witness: Stephanie Lukis , VOL. II Deposition Date: 1/13/2021  9  Dear Sir/Madam:  10  11 Enclosed please find a deposition transcript. Please have the witness  12 review the transcript and note any changes or corrections on the  13 included errata sheet, indicating the page, line number, change, and  14 the reason for the change. Have the witness' signature notarized and  15 forward the completed page(s) back to us at the Production address  16 shown  17 above, or email to production-midwest@veritext.com.  18  If the errata is not returned within thirty days of your receipt of  19 this letter, the reading and signing will be deemed waived.  20  21 Sincerely,  22 Production Department  23  24 NO NOTARY REQUIRED IN CA</p>
<p style="text-align: right;">Page 525</p> <p>1 IN WITNESS WHEREOF, I do hereunto set my hand  2 this 15th day of January, 2021.  3  4  5  6    7 KELLY A. BRICHETTO  8 CSR License No. 84-3252  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	<p style="text-align: right;">Page 527</p> <p>1 DEPOSITION REVIEW  CERTIFICATION OF WITNESS  2  3 ASSIGNMENT REFERENCE NO: 4397615  CASE NAME: Lukis, Stephanie v. Whitepages, Inc.  4 DATE OF DEPOSITION: 1/13/2021  WITNESS' NAME: Stephanie Lukis , VOL. II  5 In accordance with the Rules of Civil  Procedure, I have read the entire transcript of  6 my testimony or it has been read to me.  7 I have made no changes to the testimony  as transcribed by the court reporter.  8  9 Date Stephanie Lukis , VOL. II  10 Sworn to and subscribed before me, a  Notary Public in and for the State and County,  11 the referenced witness did personally appear  and acknowledge that:  12  13 They have read the transcript;  They signed the foregoing Sworn  Statement; and  14 Their execution of this Statement is of  their free act and deed.  15  I have affixed my name and official seal  16 this ____ day of _____, 20____.  17  18 Notary Public  19 Commission Expiration Date  20  21  22  23  24  25</p>

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1 DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 4397615  
CASE NAME: Lukis, Stephanie v. Whitepages, Inc.  
DATE OF DEPOSITION: 1/13/2021  
WITNESS' NAME: Stephanie Lukis , VOL. II

4 In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
5 my testimony or it has been read to me.  
6 I have listed my changes on the attached  
Errata Sheet, listing page and line numbers as  
7 well as the reason(s) for the change(s).  
8 I request that these changes be entered  
as part of the record of my testimony.  
9

10 I have executed the Errata Sheet, as well  
11 as this Certificate, and request and authorize  
that both be appended to the transcript of my  
12 testimony and be incorporated therein.  
13

14 Date Stephanie Lukis , VOL. II

15 Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
the referenced witness did personally appear  
16 and acknowledge that:  
17 They have read the transcript;  
They have listed all of their corrections  
18 in the appended Errata Sheet;  
They signed the foregoing Sworn  
19 Statement; and  
Their execution of this Statement is of  
20 their free act and deed.  
21 I have affixed my name and official seal  
22 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
23  
24 Notary Public  
25 Commission Expiration Date

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VERITEXT LEGAL SOLUTIONS MIDWEST

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19 \_\_\_\_\_

20 Date Stephanie Lukis , VOL. II

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_

22 DAY OF \_\_\_\_\_, 20\_\_\_\_.

23 \_\_\_\_\_

24 Notary Public

25 Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at [www.veritext.com](http://www.veritext.com).

# Exhibit C





Chicago  
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Washington, DC  
London  
San Francisco  
Los Angeles  
Singapore  
[vedderprice.com](http://vedderprice.com)

December 15, 2020

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**VIA E-MAIL**

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**Re: *Lukis v. Whitepages*, Case No. 19-cv-4871 (U.S. Northern District of Illinois)**

Dear Mr. Costales:

I'm writing to address certain deficiencies with Plaintiff's responses to Whitepages' written discovery requests, for further discussion during our telephonic meet-and-confer scheduled for later today. Plaintiff's responses are evasive, assert disingenuous objections, and appear to evince a belief that Plaintiff has no obligation to provide documents or information outside of what is purportedly in Whitepages' possession. This letter addresses the most pressing issues with Plaintiff's responses, but it is not intended to address each and every issue. Whitepages may raise additional concerns as discovery proceeds.

**Requests for Production**

Plaintiff did not produce or agree to produce a single document in response to Whitepages' 20 requests for production, and Plaintiff only confirmed that she has no responsive documents in response to one request (Request 8). Based on the sheer volume of boilerplate, unexplained, and improper objections asserted by Plaintiff, Whitepages cannot reasonably address each issue in this letter. That problem is compounded by Plaintiff's failure to comply with Rule 34(b)(2)(C), which requires Plaintiff to "state whether any responsive materials are being withheld on the basis of [a particular] objection." Rule 34(b)(2)(C) is designed to prevent this very scenario, in which a party indiscriminately asserts countless objections that provide no indication of whether responsive documents exist and are being withheld. Whitepages will not litigate every one of Plaintiff objections without first knowing, as it is entitled to know, which objections are the basis for Plaintiff's refusal to produce documents. Accordingly, please amend your responses to comply with Rule 34(b)(2)(C).

Additionally, below are certain other overarching problems with Plaintiff's responses that should also be remedied. To the extent Whitepages needs to discuss Plaintiff's noncompliance on a request-by-request basis, Whitepages is prepared to do so during our telephonic conference later today.

Roberto Luis Costales, Esq.

December 15, 2020

Page 2

First, Plaintiff objected to many of Whitepages' requests as seeking "irrelevant" information because, according to Plaintiff, her "personal information is a matter of private concern." (See Requests 1-5, 15, and 17.) Each of Whitepages' requests seeks information about the same categories of information that are contained in the "Free Preview" and "Background Report" allegedly corresponding to Plaintiff, which are alleged as the bases for Plaintiff's claims against Whitepages. It is highly relevant to Plaintiff's claims and Whitepages' defenses when, how, and to what extent Plaintiff has shared or consented to the use of that same information elsewhere.

Second, Plaintiff asserts countless "vagueness" objections that are not in good faith. (Requests 1-5, 7, 11, 12, and 17.) For example, Plaintiff contends that the terms "current address," "phone numbers," "publicly available," "related to," "database," "use," and "share" are vague and ambiguous.<sup>1</sup> They are not, as you and Plaintiff well know. To the extent you actually need Whitepages to explain what, for example, "phone number" means, we will do so during our upcoming call. But we invite Plaintiff to withdraw these baseless objections without our having to elaborate further.

Third, Plaintiff asserts without support that the "burden" of producing certain documents is outweighed by the needs of this case. (Requests 1, 5, 17.) Whitepages disagrees, and Plaintiff has made no showing of what "burden" exists, such as the number of potentially responsive documents, an estimate of the time it would take to review them, or why "the needs of this case" are insufficient to justify their production. Plaintiff is asserting a statewide putative class action seeking injunctive relief, actual damages, statutory damages, punitive damages, and attorneys' fees. Yet Plaintiff has not produced a single document in support of those claims. Plaintiff's objections based on "burden" are not well-founded.

Fourth, Plaintiff refused to produce her engagement letter with counsel on the basis that the request seeks privileged and irrelevant information. Neither is correct. See, e.g., *Epstein v. Am. Reserve Corp.*, 1985 U.S. Dist. LEXIS 15842, at \*7 (N.D. Ill. Sept. 18, 1985) (holding that "fee arrangements are relevant to the ability of named plaintiffs to protect the interest of potential class members and hence are a proper subject to discovery" and "fee arrangements are not ordinarily subject to the attorney-client privilege"). Please produce the responsive engagement letter(s).

Fifth, Plaintiff has failed to produce *any* documents to substantiate her alleged damages, claiming that no documents related to her alleged emotional distress exist and that documents related to her alleged actual damages are in Defendant's possession and/or are protected by privilege. (Requests 8 and 9.) The "amount of money [Whitepages] earned using [Plaintiff's] identity" is not a basis of Plaintiff's actual damages, as you falsely assert in response to Request 9. Nor is damage information privileged or work product protected. Additionally, Plaintiff has refused to produce documents evidencing her litigation fees and expenses, despite seeking an award of each in Counts I and II. (Request 10.) Please supplement this response and produce documents and communications substantiating the damage Plaintiff alleges she incurred, or state that no such documents exist.

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<sup>1</sup> Plaintiff likewise refused to answer Requests to Admit 21-31 on the basis that "publicly available" is purportedly "vague" and "ambiguous." It is neither.

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Sixth, Whitepages sought any documents referenced in, related to, or relied upon by Plaintiff to prepare Plaintiff's discovery responses. Plaintiff refused to produce documents related to her responses or relied upon by her to prepare her responses and asserted that every document referenced therein is "in the possession of Defendant." That response is nonsensical because the overwhelming majority of Whitepages' discovery requests concern information about Plaintiff that could only be in Plaintiff's possession, custody, or control. Please supplement these responses and produce the responsive documents.

Seventh, Plaintiff has refused to produce any documents related to her use of Whitepages' Web site or her counsel's use of the site on Plaintiff's behalf, asserting an absurd relevance objection and incorrectly claiming that Whitepages possesses all information about Plaintiff's or her counsel's interactions with its Web site. (Requests 13-14.) Plaintiff's use of Whitepages' site is highly relevant to the pending arbitrability and class waiver issues, as you know, and documents related to that use are plainly discoverable.

Finally, Plaintiff also asserted privilege and/or work product protection objections to nine of the requests. (Requests 1, 2, 6, 7, 8, 9, 11, 12, and 19.) Most, if not all, of those privilege and work-product objections are facially improper because the requests to which they respond cannot possibly be read to seek privileged or work-product protected material. Plaintiff also has not produced a privilege log pursuant to Rule 26(b)(5). For example, Request 1 seeks contracts and applications between Plaintiff and third-party entities, such as banks and utility companies. Yet Plaintiff asserts that those contracts are protected from disclosure by privilege or work product. That is plainly false. Likewise, Request 2 specifically seeks only those documents that are "publicly available," yet Plaintiff incredibly contends that they are protected by privilege and/or work product. And Plaintiff's response to Request 7 suggests a misguided belief that every communication between Plaintiff and any member of the putative (*not* certified) class is privileged. Please withdraw the privilege objections or produce a log of all documents withheld on the basis of privilege or work product.

### **Interrogatories**

Plaintiff recycles the same improper and unsupported objections in response to Whitepages' interrogatories. To the extent that Whitepages' interrogatories address the same subject matter as any requests for production, Whitepages incorporates its objections above (and those to be asserted later) in response to Plaintiff's corresponding defective interrogatory responses. Whitepages also raises the following issues unique to Plaintiff's interrogatory responses.

First, Plaintiff objects to eight interrogatories "overbroad and unduly burdensome" because they seek information "she does not recall or is able to recall."<sup>2</sup> (Interrogatories 1-7, and 10.) Plaintiff's purported inability to recall the requested information is not a basis for an objection and does not render the request "overbroad." Further, these responses leave Whitepages guessing as to what information Plaintiff

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<sup>2</sup> Whitepages presumes this objection is intended to say, "... is unable to recall."

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purportedly cannot recall and what information is being withheld on the basis of her underdeveloped objections. Please withdraw this “objection” and clarify Plaintiff’s responses.

Second, Plaintiff refused to identify her social media accounts, either in response to Interrogatory 8 or Request for Production 15. Her social media accounts are not “matters of private concern,” as Plaintiff asserts, because they are often publicly available (in full or in part; in fact, that is why they’re called “social media” accounts) and Plaintiff would have agreed that some or all of the information shared with those companies is *not* private during the account creation process. And in other responses, Plaintiff admits to having at least Facebook, Twitter, LinkedIn, and Reddit accounts. (Interrogatory 7.) Complete information about her social media activity is relevant to when, how, and to what extent Plaintiff has shared or consented to the use of the information at issue in this case, and these responses should be clarified and supplemented.

Third, in many instances, Plaintiff does not answer the interrogatory posed and instead answers an entirely different question that she evidently likes better. Interrogatory 10 asks for each date that Plaintiff visited Whitepages’ Web site, yet Plaintiff responds that she has not visited the site since the filing of this case. That is not responsive, and Plaintiff elsewhere admits that she “has personally interacted with the website located at [www.whitepages.com](http://www.whitepages.com).” Similarly, Interrogatory 11 asks for the dates on which Plaintiff read Whitepages’ Terms of Use, yet Plaintiff responds that she “has not visited the website address [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service).” That is also not responsive. Please supplement these responses to answer the questions as stated.

Fourth, as with Plaintiff’s defective request for production responses related to her damages, Plaintiff’s damages interrogatory responses are troubling. Plaintiff now contends that she cannot describe her “actual damages,” despite alleging the existence of actual damages, because that information is privileged and unascertainable. (Interrogatory 16.) And despite alleging that Plaintiff has suffered “emotional distress” as a result of Whitepages’ conduct, Plaintiff states in response to Interrogatory 17 that “this interrogatory is [] vague because no context is provide [*sic*] for plaintiff’s emotional distress” and is “vague and overbroad because to the extent [*sic*] this seeks a response beyond this proceeding.” Plaintiff is playing games. Either describe the alleged damages and “emotional distress” forming the bases for Plaintiff’s claims for relief or withdraw those allegations.

Fifth, Plaintiff alleges her belief that “it would be extremely easy for Whitepages to maintain their [*sic*] business model while still complying with state law.” However, in response to Interrogatories 18-20, each of which seeks to better understand that allegation, Plaintiff alleges that the answer is a “legal conclusion” and Plaintiff “cannot provide [] legal advice.” In fact, Plaintiff is required to support her allegation with facts and evidence. Plaintiff alleged a belief and understanding that Whitepages could operate without violating the law, including the IRPA, and these interrogatories properly seek to explore that allegation. Please amend your responses.

Sixth, Plaintiff makes two ridiculous objections that “the basis of [her] knowledge is irrelevant to the claims and defenses presented.” (Interrogatories 14, 21.) That is, of course, untrue, as the “basis” of Plaintiff’s knowledge and allegations is directly relevant to Plaintiff’s pending claims, the pending

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arbitrability and class waiver issues, and numerous other defenses available to Whitepages. Plaintiff cannot shield from discovery *how* she acquired the information that forms the bases for her allegations (to the contrary, she must affirmatively prove that her allegations are true). Please withdraw that “objection” and supplement these responses.

Seventh, Plaintiff failed to verify her responses as required by Rule 33(b). Please provide Plaintiff’s signed verification.

### **Requests to Admit**

Plaintiff’s responses to Whitepages’ Requests to Admit are plagued by many of the same issues discussed above. For instance, Plaintiff refused to answer Requests 21-31 based on absurd objections that the following terms are so “vague” and “ambiguous” that Plaintiff cannot respond: “publicly available,” “current address,” “former address,” “statistics or information about the neighborhood in which you reside,” “past and present mobile phone numbers,” “past and present landline phone numbers,” “your relatives,” “bankruptcy records,” “traffic records,” and “criminal and legal judgment records.” Those objections are not in good faith, not only because those terms are plain English and easily understood (particularly in the context of Plaintiff’s claims), but also because Plaintiff was able to answer many other Requests that incorporate those same terms. *See, e.g.*, Requests 34-42, 51, 100-108. Additionally, Plaintiff sidestepped certain other requests and volunteered answers to questions other than the ones posed. For example, Requests 77-78 ask Plaintiff to admit that her counsel’s actions on Whitepages’ Web site were on Plaintiff’s behalf, but Plaintiff responded only that her counsel’s conduct was “in the process of opposing Defendant’s motion for summary judgment.”<sup>3</sup> That partial answer is not entirely responsive.

We look forward to addressing these global issues with you and receiving your revised discovery responses without requiring Court intervention. Whitepages reserves all rights, including to raise additional issues related to Plaintiff’s discovery conduct that are not included in this letter, as appropriate.

Very truly yours,



Jonathon P. Reinisch  
Associate

JPR/cs

cc: William H. Beaumont, Esq., whb@beaumontcostales.com

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<sup>3</sup> This response, like many others, includes an objection that the request is “irrelevant” because a fact is “uncontested.” The contested nature of an underlying fact does not have anything to do with the relevance of that fact. In many cases, as here, an “uncontested” fact is also highly relevant.

# Exhibit D





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December 23, 2020

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**BY EMAIL**

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**Re: Deficiencies in plaintiff Stephanie Lukis's written discovery responses, as highlighted in my December 15, 2020 letter and addressed during our 3-hour meet and confer call yesterday (*Lukis v. Whitepages, Inc.*, Case No. 19-cv-4871 (U.S. Northern District of Illinois))**

Dear Mr. Beaumont:

Despite having had Whitepages' written discovery requests since October 9, 2020, and having had Whitepages' December 15, 2020 letter ("Discovery Deficiency Letter") for a full week before our call yesterday, you were entirely unprepared to discuss the issues (including the fact that Plaintiff has failed to produce a single document in this case). You began the call without a copy of the Discovery Deficiency Letter and demonstrated throughout the call that you had not adequately considered or prepared yourself to discuss the problems raised. You have never responded in writing to the letter and declined our invitation to do so. We were thus forced to orally summarize every issue that we had already stated in writing while you groped for responses on the fly. The result was an unnecessary, avoidable, and unproductive **three-hour** phone call during which you committed to do absolutely nothing to resolve Whitepages' concerns and demonstrated that Plaintiff has made *no* effort to locate and produce responsive documents. As we told you on the call, we do not believe that you conducted that conference in good faith.

**Requests for Production**

First, we discussed Plaintiff's failure to comply with Rule 34(b)(2)(C) in any of her responses to Whitepages' requests for production. You indicated that you would *consider* whether to amend Plaintiff's responses to comply with that Rule, although compliance with the Rules of Civil Procedure is not optional. We asked that you provide your supplemental responses on or before December 29, 2020, so that we would have an adequate opportunity to consider them before Ms. Lukis's deposition on January 5, 2021. You refused to commit to supplementing the responses and you refused to tell us your position by December 29. Instead, you stated that would advise us by January 4, 2021 if you intended to supplement your responses. That is too late in light of Ms. Lukis's deposition on January 5, 2021.

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Second, we attempted to discuss your objections to Requests for Production 1-5, 15, and 17 based on relevance because, according to Plaintiff, her “personal information is a matter of private concern.” You were unable (or unwilling) to state whether Plaintiff was standing on that nonsensical objection or whether Plaintiff was withholding any documents on that basis. You instead asked us to explain the relevance of Request 1, which we did, explaining how Ms. Lukis’s dissemination of and consent to share information about herself was relevant to IRPA, the First Amendment defenses, class certification issues, etc. You stated that you would advise us by January 4, 2021 if you intended to supplement your response to Request 1 and produce the responsive documents. You also stated that you would revisit your “private concern” objections asserted in response to Requests 2-5, 15, and 17, advise if you’re withholding documents on the basis of that objection, and potentially produce responsive documents, all by January 4. That likewise is too late.

Third, we discussed Plaintiff’s objections based on “vagueness” to terms including “current address,” “phone numbers,” “publicly available,” “related to,” “use,” and “share.” You strenuously insisted that each of those terms is, in fact, vague, and demanded that we clarify what “current address” and “publicly available” mean during our call. Not one of those terms is vague, each has a plain and commonly understood meaning, and Plaintiff should have responded to the requests based on that meaning. Your vagueness objections were in bad faith, and your position during the call was absurd. You stated that you would reconsider your responses to Requests 1-5, 7, 11, 12, and 17 and would let us know by January 4 if Plaintiff would supplement her responses. Again, that is too late.

Fourth, we attempted to address Plaintiff’s “burden” objection asserted in response to Requests 1, 5, and 17, to determine what “burden” exists for Plaintiff (e.g., how many responsive documents exist, how difficult it would be to retrieve them, why this case does not justify the effort required, etc.). You provided *no* explanation of the purported burden. You stated that you would reconsider your responses and burden objections and would let us know by January 4 if Plaintiff would supplement her responses. That, again, is too late.

Fifth, we reiterated our request that you produce Plaintiff’s engagement letter(s) with counsel and explained why Plaintiff’s objections were unfounded. You agreed to produce the engagement letter, but not before January 4, without any explanation of why it could not be produced before then. As noted, January 4 is too late.

Sixth, we discussed Plaintiff’s failure to produce any documents to substantiate her claimed actual damages, emotional distress damages, and attorneys’ fees. You confirmed that Plaintiff has no documents evidencing any alleged emotional distress, confirmed that Plaintiff would stand on her objections to Request 10 seeking documentation of her claimed attorneys’ fees and expenses, and stated that you would let us know by January 4 if Plaintiff would stand on her objections and refuse to produce documentation related to her alleged actual damages. That is too late.

Seventh, we discussed Plaintiff’s failure to produce any documents related to Plaintiff’s use of Whitepages’ Web site. You asserted that Plaintiff did not understand that she had any obligation to produce electronic information and had done nothing to search for evidence of her interaction with

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Whitepages.com, including by reviewing her browser history or seeking data from her Internet Service Provider. You would not even confirm whether Plaintiff owns a computer or explain how Plaintiff accessed Whitepages.com, which could have assisted us in describing the documents sought by Requests 13-14. Your positions are unreasonable, and your promise to let us know by January 4 what, if anything, Plaintiff may be willing to produce in response to Requests 13-14 is unacceptable.

Eighth, we asked you to clarify whether Plaintiff is withholding any documents on the basis of her privilege objections in response to Requests 1, 2, 6, 7, 8, 9, 11, 12, and 19 and, if so, to produce a privilege log. We explained that none of our requests was intended to capture (or could be fairly read to capture) communications between your office and Ms. Lukis that post-date the filing of this lawsuit. You stated that you would get back to us by January 4 as to whether you would withdraw your privilege objections and/or produce a privilege log. That is too late.

### **Interrogatories**

We also discussed the many issues related to Plaintiff's interrogatory responses raised in the Discovery Deficiency Letter. First, we explained that it is not a proper objection to claim that a request is "overbroad and unduly burdensome" solely because Plaintiff cannot recall some or all of the responsive information. If Plaintiff cannot recall a response, that should be stated as part of her answer, and Plaintiff should otherwise provide whatever information she can recall or can be discerned from documents in her possession, custody, or control. In response to Interrogatories 1-7 and 10, it seems from the responses and our discussion that Plaintiff made no effort to locate responsive information. You stated that you would consider whether to supplement those responses and would let us know by January 4. That is too late.

Second, we reiterated our request that Plaintiff identify her social media accounts (Interrogatory 8) and explained why those accounts are relevant to Whitepages' defenses, including issues related to consent, the First Amendment, and class certification. You agreed to consider identifying those accounts by January 4, after which we will consider whether it is necessary to retain a forensic firm to capture her accounts. January 4 is too late to start that process.

Third, we asked you to supplement Interrogatories 10 and 11 because Plaintiff's answers are not responsive to the questions posed. You stated that you would let us know whether you will supplement those responses by January 4. That is too late.

Fourth, we asked you to supplement Plaintiff's responses to Interrogatories 16 and 17 seeking information about the damages that Plaintiff alleges to have suffered. You stated that you would let us know whether you will supplement those responses by January 4. That is too late.

Fifth, we asked you to supplement Plaintiff's responses to Interrogatories 18-20, which seek to understand Plaintiff's allegation that it would be "extremely easy" for Whitepages to not violate the law and/or to alter how it functions in a way that would satisfy Plaintiff. We explained why your objections based on privilege and relevance are unfounded based on that allegation and Plaintiff's alleged damages. You

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stated that you would let us know whether you will supplement those responses by January 4. That is too late.

Sixth, we asked you to supplement Plaintiff's responses to Interrogatories 14 and 21. Plaintiff refused to answer both, asserting that the "basis of her knowledge" is not relevant. That objection is absurd, and we explained that the factual bases for Plaintiff's allegations and how she gained that knowledge is relevant and plainly discoverable. You stated that Plaintiff would stand on her objection and would not supplement either response. Whitepages will proceed accordingly.

Seventh, we asked you to provide a signed verification of Plaintiff's interrogatory responses, as required by Rule 33. You agreed to provide the verification, but not before January 4. There is no reason for that delay.

### **Requests to Admit**

We also addressed several Requests to Admit that Plaintiff refused to answer on the basis of the same objections discussed above. You stated that you would let us know whether you will supplement Requests to Admit 21-31 by January 4, which is too late.

You also stated that Whitepages can and should construe Plaintiff's response to Requests to Admit 77 and 78 as unqualified admissions. We asked you to amend the responses to provide that unqualified admission, which Plaintiff should have done originally, but you were noncommittal. Thus, regardless of whether we receive amended responses, based on your representation, we will construe Plaintiff's response to Requests to Admit 77 and 78 as "admit," without further explanation or qualification.

### **Conclusion**

As is clear from the above summary, despite three hours of discussion, Plaintiff agreed to do absolutely nothing to satisfy her long overdue discovery obligations. Plaintiff's evasive responses have the effect of holding Whitepages in abeyance until January 4 while we wait to learn what, if anything, Plaintiff will provide in response to Whitepages' concerns. January 4 is too late to receive whatever supplementation Plaintiff ultimately makes because Ms. Lukis's deposition is scheduled for January 5, Whitepages is required to file its response to Plaintiff's request for leave to amend by January 13, and Whitepages is required to file its reply in support of its motion to compel arbitration by January 20.

For now, we intend to proceed with Ms. Lukis's deposition on January 5 and will reserve the option to hold that deposition open, and to re-call Ms. Lukis, based on the information we receive on or before January 4 (if any).

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Sincerely,

/s/ Jonathon P. Reinisch

Jonathon P. Reinisch

Associate

JPR

cc: Roberto Costales, Esq.

# **Exhibit E**



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Stephanie Lukis,	)	
individually and on behalf of all others	)	CIVIL ACTION NO: 19-cv-4871
similarly situated,	)	
	)	
<i>Plaintiffs,</i>	)	JUDGE FEINERMAN
v.	)	
	)	MAG. GILBERT
Whitepages Incorporated,	)	
	)	
<i>Defendant.</i>	)	

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**STEPHANIE LUKIS' SUPPLEMENTAL RESPONSES TO DEFENDANT'S  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

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**GENERAL STATEMENT:** Plaintiff reserves the right to supplement her responses and incorporates this reservation in each of her below responses.

**REQUEST NO. 1:** All documents, including but not limited to landline phone service contracts, cellular phone service contracts, banking contracts, loan contracts, credit check contracts, mortgage contracts, leasing contracts, utility service contracts, credit card contracts, employment applications, employment contracts, gym contracts, education-related contracts, contracts to purchase, lease, or borrow goods, contracts to purchase, lease, or borrow services, and any other document or agreement in which you consented to the sharing of information about you, including but not limited to any one of the following: name, age, date of birth, current address, past addresses, statistics about the neighborhood where you reside, phone numbers, family members and their ages, individuals with whom you may be linked based on your potential past and present addresses, individuals with whom you may be linked by business or transaction, bankruptcy records, legal judgment records, and traffic records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's personal information is a matter of private concern. Plaintiff objects to "consent" as overbroad because it is not limited to written consent. This request is irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff further objects to this as overbroad, irrelevant, and unduly burdensome to the extent it seeks information concerning the use of Plaintiff's address other than by Defendant. Additionally, the burden to produce this information is vastly outweighed by the needs of the case. Plaintiff objects to the phrase "consented to the sharing of information about you" as vague because this is not defined and is ambiguous. Plaintiff objects to the phrase "all documents" as overbroad and unduly burdensome and objects to producing documents not in her possession. Plaintiff further objects to the following as vague because the terms therein are not defined: current address, past addresses, statistics about the neighborhood where you reside, phone numbers, family members, individuals with whom you may be linked based on your potential past and present addresses, individuals with whom you may be linked by business or transaction, bankruptcy records, legal judgment records, and traffic records.

**SUPPLEMENTAL RESPONSE:** Defendant states this request seeks documents in which Plaintiff agreed that her identifying information may be re-disclosed. The only documents Plaintiff recalls consenting to re-disclose her identity are her employment applications with Amazon and with a temporary employment agency. Plaintiff does not have or have access to these documents and is therefore not withholding any documents because of her objections.

**REQUEST NO. 2:** Every publicly available document listing any one of the following: your name, age, date of birth, current address, past addresses, statistics about the neighborhood where

you reside, phone numbers, family members and their ages, individuals with whom you may be linked based on your potential past and present addresses, individuals with whom you may be linked by business or transaction, bankruptcy records, legal judgment records, or traffic records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's personal information is a matter of private concern. Plaintiff objects to "publicly available document" as vague because this is not defined and is ambiguous. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff further objects to this as overbroad, irrelevant, and unduly burdensome to the extent it seeks information concerning the use of Plaintiff's personal information other than by Defendant. Plaintiff objects to the phrase "consented to the sharing of information about you" as vague because this is not defined and is ambiguous. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant. Plaintiff objects to "every" as overbroad and unduly burdensome and objects to producing documents not in her possession.

**SUPPLEMENTAL RESPONSE:** Defendant states this request seeks documents that Defendant is not aware of or cannot independently find on its own. The only such records Plaintiff is aware of are her social media profiles which she restricted access to. Plaintiff therefore attaches her Facebook and LinkedIn accounts as Plaintiff Bates Nos. 1-2205 (CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER). Plaintiff has requested her Twitter data. Plaintiff is withholding her Reddit profile data because Defendant has not yet explained how this may be retrieved. Depending on instructions provided, Plaintiff reserves the right to object to the burden to produces her Reddit profile.

**REQUEST NO. 3:** Every document or communication reflecting a request by you that any data or information about or associated with you, the term “Stephanie Lukis,” or the term “Stephanie M. Lukis” be removed from public availability.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s personal information is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff further objects to this as overbroad, irrelevant, and unduly burdensome to the extent it seeks information concerning the use of Plaintiff’s personal information other than by Defendant. Plaintiff objects to the phrase “public availability” as vague because this is not defined and is ambiguous. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant.

**SUPPLEMENTAL RESPONSE:** The only such records Plaintiff is aware of are her social media profiles which she restricted access to. Plaintiff therefore attaches her Facebook and LinkedIn accounts as Plaintiff Bates Nos. 1-2205 (CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER). Plaintiff has requested her Twitter data. Plaintiff is withholding her Reddit profile data because Defendant has not yet explained how this may be retrieved. Depending on instructions provided, Plaintiff reserves the right to object to the burden to produce her Reddit profile.

**REQUEST NO. 4:** Every document or communication reflecting a request by you that any data about or associated with you, the term “Stephanie Lukis,” or the term “Stephanie M. Lukis” be removed from any data set or database.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s personal information is a matter of private concern. This request is further irrelevant

because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff further objects to this as overbroad, irrelevant, and unduly burdensome to the extent it seeks information not limited to the Defendant. Plaintiff objects to the phrase "data set or database" as vague because this is not defined and is ambiguous. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to request for production number 3.

**REQUEST NO. 5:** Every publicly available manifestation of your identity or any portion of your identity.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's personal information is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff further objects to this as overbroad, irrelevant, and unduly burdensome to the extent it seeks information concerning the use of Plaintiff's personal information other than by Defendant. Plaintiff objects to the phrase "publicly available" as vague because this is not defined and is ambiguous. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant. Plaintiff objects to "every" as overbroad and unduly burdensome and objects to producing documents not in her possession. Additionally, the burden to produce this information is vastly outweighed by the needs of the case.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to request for production number 2.

**REQUEST NO. 6:** Any engagement letter or agreement between you and any lawyer related to or arising out of your efforts to pursue any claim under the Illinois Right of Publicity Act, 765 ILCS § 1075/1, *et seq.*

**RESPONSE:** Plaintiff objects to this request as attorney-client privileged and protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff further objects as this request is irrelevant because it is not related to the claims and defenses.

**SUPPLEMENTAL RESPONSE:** Plaintiff is withholding documents on the basis of these objections.

**REQUEST NO. 7:** Any communications by you arising out of or related to the Complaint with any other member of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects further objects to producing communications with co-plaintiffs as privileged. Plaintiff objects to the phrase “communications by you arising out of or related to the Complaint” as vague and unclear.

**SUPPLEMENTAL RESPONSE:** Plaintiff is not withholding any documents on the basis of her objections.

**REQUEST NO. 8:** All documents and communications related to, arising out of, or evidencing the emotional distress allegedly suffered by you as asserted in the Complaint.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Subject to and without waiving same, none.



**SUPPLEMENTAL RESPONSE:** Defendant states this request does not seek Plaintiff's attorney's fees or costs, and therefore Plaintiff states that she is not withholding any documents on the basis of her objections.

**REQUEST NO. 9:** All documents and communications related to, arising out of, or evidencing the actual damages allegedly incurred by you as asserted in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing and Defendant has not provided Plaintiff with the amount of money it earned using her identity. Plaintiff further objects on the grounds of attorney-client privilege and attorney work product.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to request for production number 8.

**REQUEST NO. 10:** All documents and communications related to, arising out of, or evidencing the "reasonable litigation expenses and attorney's fees" allegedly sought by you as damages in the Complaint.

**RESPONSE:** Because Plaintiff has not yet become a prevailing party, her attorney's expense and billing records are premature and not relevant to any claim or defense. This information is further protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship.

**REQUEST NO. 11:** All documents and communications referenced in, related to, or relied upon to prepare your responses to Whitepages' First Set of Interrogatories.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to the phrase "related to" as vague because this is not defined and is ambiguous. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant. Subject to and without

waiving the foregoing objections, Plaintiff responds that any documents referenced in her responses are in the possession of Defendant.

**SUPPLEMENTAL RESPONSE:** Plaintiff is not withholding any documents on the basis of her objections.

**REQUEST NO. 12:** All documents and communications referenced in, related to, or relied upon to prepare your responses to Whitepages' First Set of Requests to Admit.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to the phrase "related to" as vague because this is not defined and is ambiguous. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant. Subject to and without waiving the foregoing objections, Plaintiff responds that any documents referenced in her responses are in the possession of Defendant.

**SUPPLEMENTAL RESPONSE:** Plaintiff is not withholding any documents on the basis of her objections.

**REQUEST NO. 13:** All documents and communications evidencing your access of Whitepages' Web site, including documents demonstrating how you "discovered that Whitepages uses [your] name, age, city of domicile, and the identity of her relatives in advertisements on the Whitepages website," as alleged in Paragraph 22 of the Complaint.

**RESPONSE:** Plaintiff objects to this as the basis of Plaintiff's knowledge is irrelevant to the claims and defenses presented. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant. Subject to and without waiving the foregoing objections, see the Complaint and First Amended Complaint.

**SUPPLEMENTAL RESPONSE:** Defendant states this request further seeks Plaintiff's internet browsing history of Defendant's website. See Plaintiff's bates number 000460

(CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER). Plaintiff may have a hard drive containing her internet browsing history, however, producing her browsing history (if any) from this hard drive is unduly burdensome as Plaintiff does not have the present capability to operate the hard drive.

**REQUEST NO. 14:** All documents and communications evidencing your counsel's access of Whitepages' Web site on your behalf.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel accessed Defendant's services in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information.

**REQUEST NO. 15:** All documents and communications related to, arising out of, or evidencing any social media account or profile that you maintain, including but not limited to Facebook, Twitter, Instagram, TikTok, LinkedIn, Twitch, Vimeo, Tumblr, Pintrest, Google+, Snapchat, Reddit, Myspace, YouTube, Tinder, and Flickr.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's social media accounts are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to the phrase "all documents and communications" as overbroad and unduly burdensome.

**SUPPLEMENTAL RESPONSE:** Plaintiff attaches her Facebook and LinkedIn accounts as Plaintiff Bates Nos. 1-2205 (CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER).

Plaintiff has requested her Twitter data. Plaintiff is withholding her Reddit profile data because Defendant has not yet explained how this may be retrieved. Depending on instructions provided, Plaintiff reserves the right to object to the burden to produces her Reddit profile.

**REQUEST NO. 16:** All communications between you and Whitepages.

**RESPONSE:** Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant. Plaintiff objects to this as irrelevant to the claims and defenses presented.

**SUPPLEMENTAL RESPONSE:** Plaintiff is not withholding any documents on the basis of her objections.

**REQUEST NO. 17:** All documents and communications reflecting your consent to use or share any aspect of your identity.

**RESPONSE:** Plaintiff objects to “use or share” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s identity is a matter of private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff further objects to this as overbroad and irrelevant to the extent it seeks information concerning using or sharing Plaintiff’s identity other than by Defendant. Plaintiff objects to the phrase “all documents and communications” as overbroad and unduly burdensome. Plaintiff objects to “all” as overbroad and unduly burdensome and objects to producing documents not in

her possession. Additionally, the burden to produce this information is vastly outweighed by the needs of the case.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to request for production number 1.

**REQUEST NO. 18:** All documents that you intend to use as exhibits at trial.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Plaintiff reserves the right to supplement this response.

**REQUEST NO. 19:** All documents and communications sent to or received from any third party (other than your counsel) that refer or relate to this Litigation or the claims asserted in the Complaint.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects further objects to producing communications with co-plaintiffs as privileged. Plaintiff objects to the phrase "all documents and communications" as overbroad and unduly burdensome.

**SUPPLEMENTAL RESPONSE:** Plaintiff is not withholding any documents on the basis of her objections.

**REQUEST NO. 20:** To the extent not produced in response to any of the requests above, all documents and communications supporting or relating to the claims and/or defenses asserted in the Complaint.

**RESPONSE:** Plaintiff objects to the phrase "all documents and communications" as overbroad and unduly burdensome. Plaintiff objects to "all" as overbroad and unduly burdensome and objects to producing documents not in her possession. Plaintiff objects to this request to the

extent that it calls for documents readily or more accessible to Defendant. Plaintiff objects to this as premature as discovery is ongoing. Plaintiff reserves the right to supplement this response.

**SUPPLEMENTAL RESPONSE:** Plaintiff is not withholding any documents on the basis of her objections.

*Respectfully submitted,*

*/s/ William H. Beaumont*

---

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*Attorneys for Plaintiff*

**Certificate of Service**

I hereby certify that the foregoing was served on counsel of record for Whitepages, Inc.  
on this 4<sup>th</sup> day of January, 2021.

*/s/ William H. Beaumont*



# **Exhibit F**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Stephanie Lukis,	)	
individually and on behalf of all others	)	CIVIL ACTION NO: 19-cv-4871
similarly situated,	)	
	)	
<i>Plaintiffs,</i>	)	JUDGE FEINERMAN
v.	)	
	)	MAG. GILBERT
Whitepages Incorporated,	)	
	)	
<i>Defendant.</i>	)	

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**STEPHANIE LUKIS' SUPPLEMENTAL RESPONSES TO DEFENDANT'S  
FIRST SET OF INTERROGATORIES**

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**GENERAL STATEMENT:** Plaintiff reserves the right to supplement her responses and incorporates this reservation in each of her below responses.

**INTERROGATORY NO. 1:** Identify every person or corporate entity you have provided your phone number (including mobile phones and landlines) to and when you provided it.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's phone number is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to this request as overbroad and unduly burdensome as this Interrogatory requests Plaintiff provide information she does not recall or is able to recall. Additionally, the burden to produce this information is vastly outweighed by the needs of the case. Plaintiff objects to the phrase "phone number (including mobile phones and landlines)" as vague because this could have more than one meaning and it is unclear which phone numbers this is requesting.

**INTERROGATORY NO. 2:** Identify every person or corporate entity you have provided your current or any former address to and when you provided it.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's address is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to this request as overbroad and unduly burdensome as this Interrogatory requests Plaintiff provide information she does not recall or is able to recall. Additionally, the burden to produce this information is vastly outweighed by the needs of the case. Plaintiff objects to the phrase "current or any former address" as vague and ambiguous because it is unclear what addresses this is requesting.

**INTERROGATORY NO. 3:** Identify every person or corporate entity you have provided your name and age (or date of birth) to and when you provided it.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's age is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to this request as unduly burdensome as this Interrogatory requests Plaintiff provide information she does not recall or is able to recall. Additionally, the burden to produce this information is vastly outweighed by the needs of the case.

**INTERROGATORY NO. 4:** Identify every restriction you placed on the sharing of your phone number (including mobile phones and landlines) when you provided it to any third party.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's phone number is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an

advertisement. Plaintiff objects to this request as unduly burdensome as this Interrogatory requests Plaintiff provide information she does not recall or is able to recall.

**SUPPLEMENTAL RESPONSE:** Plaintiff restricted sharing of her information on her social media accounts with Facebook, Reddit, LinkedIn, and Twitter.

**INTERROGATORY NO. 5:** Identify every restriction you placed on the sharing of your current or any former address when you provided it to any third party.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's address is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to this request as unduly burdensome as this Interrogatory requests Plaintiff provide information she does not recall or is able to recall.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to Interrogatory Number 4.

**INTERROGATORY NO. 6:** Identify every restriction you placed on the sharing of your name and age (or date of birth) when you provided it to any third party.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's name and age are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to this request as unduly burdensome as this Interrogatory requests Plaintiff provide information she does not recall or is able to recall.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to Interrogatory Number 4.

**INTERROGATORY NO. 7:** Identify and describe each instance that you requested that any information about you, including but not limited to your name, age, date of birth, phone number, address, legal records, or traffic records, be removed from a publicly available catalog, directory, database, or Web site.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's name and age are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to this request as unduly burdensome as this Interrogatory requests Plaintiff provide information she does not recall or is able to recall. Subject to and without waiving the foregoing, Plaintiff has requested restrictions be placed on Facebook, Twitter, LinkedIn, and Reddit.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to Interrogatory Number 4. Plaintiff further identifies her lawsuits in this case and against Instant Checkmate.

**INTERROGATORY NO. 8:** Identify every social media account or profile that you maintain, including but not limited to Facebook, Twitter, Instagram, TikTok, LinkedIn, Twitch, Vimeo, Tumblr, Pinterest, Google+, Snapchat, Reddit, Myspace, YouTube, Tinder, or Flickr.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's social media accounts are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to the word "identify" as vague and unclear because its meaning as defined in Defendant's interrogatories is nonsensical in the context of this Interrogatory.

**SUPPLEMENTAL RESPONSE:** Plaintiff has social media accounts with Facebook and LinkedIn (see Plaintiff Bates Nos. 1-2205 (CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER)). Plaintiff has requested her Twitter data. Plaintiff is withholding her Reddit profile data because Defendant has not yet provided how this may be retrieved. Depending on instructions provided, Plaintiff reserves the right to object to the burden to produce her Reddit profile.

**INTERROGATORY NO. 9:** Identify by name, address(es), and telephone number(s) every member of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this request as unduly burdensome and irrelevant as this Interrogatory requests Plaintiff provide information for potentially millions of people and is beyond the needs of the case. This request is further unduly burdensome as Defendant is in possession of this information.

**INTERROGATORY NO. 10:** Identify by date every time you have visited the Whitepages' Web site at [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Plaintiff objects to this request as unduly burdensome as it requests Plaintiff provide information she does not recall. This request is further unduly burdensome as Defendant is in possession of this information. Subject to and without waiving the foregoing, Plaintiff has not visited the website located at [www.whitepages.com](http://www.whitepages.com) since the filing of this lawsuit.

**SUPPLEMENTAL RESPONSE:** Plaintiff visited Whitepages' web site in 2018, and Plaintiff does not recall the precise date or time. See possibly also Pl.'s Bates No. 000480 (CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER).

**INTERROGATORY NO. 11:** Identify by date every time you have read any part of the Terms of Use posted on the Whitepages Web site at [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service).



**RESPONSE:** Plaintiff objects to this request as vague and unduly burdensome because a copy of the “Terms of Use” is not provided for Plaintiff to review. This request is further unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, Plaintiff has not visited the website address [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service).

**SUPPLEMENTAL RESPONSE:** Defendant states these terms can be found at R. Doc. 90-1 and Plaintiff supplements her response that she has not read these “Terms of Use.”

**INTERROGATORY NO. 12:** Identify by date every time your counsel has visited the Whitepages’ Web site at [www.whitepages.com](http://www.whitepages.com) on your behalf.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff’s counsel purchased Defendant’s services in the process of opposing Defendant’s motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information.

**INTERROGATORY NO. 13:** Identify by date every time your counsel has read any part of the Terms of Use posted on the Whitepages Web site at [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service) on your behalf.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff’s counsel purchased Defendant’s services in the process of opposing Defendant’s motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information.

**INTERROGATORY NO. 14:** Describe how you know that, “[u]pon accessing Whitepages’ website, the public-at-large is free to enter the first and last name of a particular individual via a search bar on the homepage”?

**RESPONSE:** Plaintiff objects to this as the basis of Plaintiff’s knowledge is irrelevant to the claims and defenses presented. Subject to and without waiving same, Defendant admits this in its Answer and Plaintiff has personally interacted with the website located at [www.whitepages.com](http://www.whitepages.com).

**INTERROGATORY NO. 15:** How can you identify “all Illinois residents who have appeared in an advertisement preview for a Whitepages report”?

**RESPONSE:** Plaintiff objects to this as irrelevant. Plaintiff objects to this as premature because discovery is ongoing. Plaintiff objects to this insofar as it calls for attorney work product. Plaintiff reserves the right to supplement this response.

**INTERROGATORY NO. 16:** Identify and describe your actual damages as alleged in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing and Defendant has not provided Plaintiff with the amount of money it earned using her identity. Plaintiff objects to the word “identify” as vague and unclear because its meaning as defined in Defendant’s interrogatories is nonsensical in the context of this Interrogatory. Plaintiff further objects on the grounds of attorney-client privilege and attorney work product. Due to the nature of Plaintiff’s claims (which include a request for attorney’s fees), Plaintiff is unable to state the exact amount that Plaintiff will request for herself at trial in this matter.

**SUPPLEMENTAL RESPONSE:** Defendant’s behavior is predatory because it allows others to access personal details about her and her family which is disconcerting because of her emotional abuse.

**INTERROGATORY NO. 17:** Identify and describe the emotional distress allegedly suffered by you.

**RESPONSE:** Plaintiff objects to this request as vague because it is ambiguous as to what additional description Defendant seeks for emotional distress. This interrogatory is additionally vague because no context is provide for plaintiff's emotional distress. Plaintiff further objects to this request as vague and overbroad because to the extent this seeks a response beyond this proceeding. Plaintiff objects to "identify" as vague and unclear because its meaning as defined in Defendant's interrogatories is nonsensical here.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to Interrogatory Number 17.

**INTERROGATORY NO. 18:** How could Whitepages operate without allegedly violating the Illinois Right of Publicity Act, 765 ILCS § 1075/1, *et seq.*?

**RESPONSE:** Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Interrogatories, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of www.whitepages.com are not relevant to any claims or defenses. Plaintiff further objects as premature as discovery is ongoing and the full extent of the operations of whitepages.com is not yet known. Plaintiff further objects as irrelevant as how Whitepages' website could operate is not relevant to any claims or defenses. Plaintiff further objects as requesting a legal conclusion and unduly burdensome because Whitepages is represented by lawyers and Plaintiff cannot provide it with legal advice.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to Interrogatory Number 19.

**INTERROGATORY NO. 19:** How should Whitepages operate in a manner that would be acceptable to you?

**RESPONSE:** Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Interrogatories, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of www.whitepages.com are not relevant to any claims or defenses. Plaintiff further objects as premature as discovery is ongoing and the full extent of the operations of whitepages.com is not yet known. Plaintiff further objects as irrelevant as how Whitepages' website could operate is not relevant to any claims or defenses nor is what is acceptable to Plaintiff relevant. Plaintiff further objects as requesting a legal conclusion and unduly burdensome because Whitepages is represented by lawyers and Plaintiff cannot provide it with legal advice. Subject to and without waiving the foregoing, Plaintiff seeks her and other Illinois residents' identities not used in Whitepages' advertisements.

**SUPPLEMENTAL RESPONSE:** Ideally, Defendant would not allow others to access her and other people's personal details.

**INTERROGATORY NO. 20:** What form of search functionality on the Whitepages Web site would be acceptable to you?

**RESPONSE:** Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Interrogatories, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of www.whitepages.com are not relevant to any claims or defenses. Defendant does not define what it means in this request by the term "Web site" and thus it is vague and ambiguous whether this means whitepages.com or another website. Plaintiff further objects as premature as discovery is ongoing and the full extent of the operations of whitepages.com is not yet known. Plaintiff further objects as irrelevant as how Whitepages'

website could function is not relevant to any claims or defenses nor is what is acceptable to Plaintiff relevant. Plaintiff further objects as requesting a legal conclusion and unduly burdensome because Whitepages is represented by lawyers and Plaintiff cannot provide it with legal advice.

**SUPPLEMENTAL RESPONSE:** See Plaintiff's supplemental response to Interrogatory Number 19.

**INTERROGATORY NO. 21:** Identify and describe how you "discovered" that Whitepages displays information about you on its Web site, as alleged in Paragraph 22 of the Complaint.

**RESPONSE:** Plaintiff objects to this as the basis of Plaintiff's knowledge is irrelevant to the claims and defenses presented. Subject to and without waiving same, Plaintiff has personally interacted with the website located at [www.whitepages.com](http://www.whitepages.com). Plaintiff reserves the right to supplement.

*Respectfully submitted,*

*/s/ William H. Beaumont*

---

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*Attorneys for Plaintiff*

**Certificate of Service**

I hereby certify that the foregoing was served on counsel of record for Whitepages, Inc.  
on this 4<sup>th</sup> day of January, 2021.

*/s/ William H. Beaumont*

# Exhibit G



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Stephanie Lukis,	)	
individually and on behalf of all others	)	CIVIL ACTION NO: 19-cv-4871
similarly situated,	)	
	)	
<i>Plaintiffs,</i>	)	JUDGE FEINERMAN
v.	)	
	)	MAG. GILBERT
Whitepages Incorporated,	)	
	)	
<i>Defendant.</i>	)	

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STEPHANIE LUKIS' SUPPLEMENTAL RESPONSES TO DEFENDANT'S  
FIRST SET OF REQUESTS FOR ADMISSION

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**GENERAL OBJECTION:** Plaintiff objects to Defendant's Requests for Admission Numbers 1-184 as overbroad because they are not limited in time to the relevant statute of limitations.

**GENERAL STATEMENT:** Plaintiff reserves the right to supplement her responses and incorporates this reservation in each of her below responses.

**REQUEST NO. 1:** Admit that you've shared your phone number(s) (including mobile phones and landlines) with others.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's phone number is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to this request as overbroad and unduly burdensome as this requests Plaintiff provide information she does not recall or is able to recall. Plaintiff objects to the phrase "phone number (including mobile phones and landlines)" as vague because this could have more than one meaning and it is unclear which phones numbers this is requesting. Subject

to and without waiving same, admitted that Plaintiff shared her phone number(s) (including mobile phones and landlines) with others.

**REQUEST NO. 2:** Admit that you've shared your current or any former address with others.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because

Plaintiff's address is a matter of private concern. This request is further irrelevant because

Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an

advertisement. Plaintiff objects to this request as overbroad and unduly burdensome as this

Interrogatory requests Plaintiff provide information she does not recall or is able to recall.

Plaintiff objects to the phrase "current or any former address" as vague and ambiguous because it

is unclear what addresses this is requesting. Subject to and without waiving same, admitted.

**REQUEST NO. 3:** Admit that you've shared your name and age (or date of birth) with others.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because

Plaintiff's age is a matter of private concern. This request is further irrelevant because Defendant

admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement.

Subject to and without waiving same, admitted.

**REQUEST NO. 4:** Admit that you've shared the identities of your family members with others.

**RESPONSE:** Plaintiff objects to this as vague and ambiguous because "identities" and "family

members" are not defined. Regardless, the identities of Plaintiff's family members are irrelevant

matters of private concern. This request is further irrelevant because Defendant admits that it did

not obtain Plaintiff's written consent to use her identity in an advertisement. Subject to and

without waiving same, Plaintiff admits that she has told others the names of some of her family

members.

**REQUEST NO. 5:** Admit that you've shared the ages (or dates of birth) of your family members with others.

**RESPONSE:** Plaintiff objects to this as vague and ambiguous because "identities" and "family members" are not defined. Regardless, the age and birth dates of Plaintiff's family members are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Subject to and without waiving same, Plaintiff admits that she has told others the age and birth dates of some of her family members.

**REQUEST NO. 6:** Admit that you've shared your bankruptcy records with others.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to this as vague because "bankruptcy records" is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's bankruptcy records are a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Subject to and without waiving same, Plaintiff admits that she has told others some information concerning bankruptcy records.

**REQUEST NO. 7:** Admit that you've shared your traffic records with others.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to this as vague and ambiguous because "traffic records" are not defined. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's traffic records are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to

use her identity in an advertisement. Subject to and without waiving same, Plaintiff admits that she has told others some information concerning driving violations.

**REQUEST NO. 8:** Admit that you've shared your criminal or other legal judgment records with others.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to this as vague because "criminal or other legal judgment records" is not defined and is ambiguous. Plaintiff objects to this as it assumes facts not in evidence. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's legal records are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Subject to and without waiving same, Plaintiff admits that she has told others some information concerning her legal judgments.

**REQUEST NO. 9:** Admit that your present and/or former names are available for free by searching "Stephanie Lukis" on [www.truepeoplesearch.com](http://www.truepeoplesearch.com).

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's name is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.truepeoplesearch.com](http://www.truepeoplesearch.com) has nothing to do with the claims or defenses. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.truepeoplesearch.com](http://www.truepeoplesearch.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 10:** Admit that your age, birth month, and birth year are available for free by searching “Stephanie Lukis” on [www.truepeoplesearch.com](http://www.truepeoplesearch.com).

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s name is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.truepeoplesearch.com](http://www.truepeoplesearch.com) has nothing to do with the claims or defenses. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.truepeoplesearch.com](http://www.truepeoplesearch.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website’s terms.

**REQUEST NO. 11:** Admit that your past or present mobile and/or landline phone numbers are available for free by searching “Stephanie Lukis” on [www.truepeoplesearch.com](http://www.truepeoplesearch.com).

**RESPONSE:** Plaintiff objects to the phrase “past or present mobile and/or landline phone numbers” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s past or present mobile and/or landline phone numbers is a matter of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.truepeoplesearch.com](http://www.truepeoplesearch.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has

not visited [www.truepeoplesearch.com](http://www.truepeoplesearch.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 12:** Admit that your past and/or present addresses are available for free by searching "Stephanie Lukis" on [www.truepeoplesearch.com](http://www.truepeoplesearch.com).

**RESPONSE:** Plaintiff objects to the phrase "past and/or present addresses" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's past and/or present addresses are a matter of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.truepeoplesearch.com](http://www.truepeoplesearch.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.truepeoplesearch.com](http://www.truepeoplesearch.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 13:** Admit that the names of your possible relatives are available for free by searching "Stephanie Lukis" on [www.truepeoplesearch.com](http://www.truepeoplesearch.com).

**RESPONSE:** Plaintiff objects to the phrase "possible relatives" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's possible relatives are a matter of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.truepeoplesearch.com](http://www.truepeoplesearch.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to



use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.truepeoplesearch.com](http://www.truepeoplesearch.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 14:** Admit that the names of your possible associates are available for free by searching "Stephanie Lukis" on [www.truepeoplesearch.com](http://www.truepeoplesearch.com).

**RESPONSE:** Plaintiff objects to the phrase "possible associates" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's possible associates are a matter of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.truepeoplesearch.com](http://www.truepeoplesearch.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.truepeoplesearch.com](http://www.truepeoplesearch.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 15:** Admit that your present and/or former names are available for free by searching "Stephanie Klatte" on [www.checkpeople.com](http://www.checkpeople.com).

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's present and/or former names are matters of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.checkpeople.com](http://www.checkpeople.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her

identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.checkpeople.com](http://www.checkpeople.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 16:** Admit that your age and birth year are available for free by searching "Stephanie Klatte" on [www.checkpeople.com](http://www.checkpeople.com).

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's age and birth year are matters of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.checkpeople.com](http://www.checkpeople.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.checkpeople.com](http://www.checkpeople.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 17:** Admit that your past or present mobile and/or landline phone numbers are available for free by searching "Stephanie Klatte" on [www.checkpeople.com](http://www.checkpeople.com).

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's age and birth year are matters of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.checkpeople.com](http://www.checkpeople.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she

knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.checkpeople.com](http://www.checkpeople.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 18:** Admit that your past and/or present addresses are available for free by searching "Stephanie Klatte" on [www.checkpeople.com](http://www.checkpeople.com).

**RESPONSE:** Plaintiff objects to the phrase "past and/or present addresses" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's past and/or present addresses are matters of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.checkpeople.com](http://www.checkpeople.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.checkpeople.com](http://www.checkpeople.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 19:** Admit that the names of your relatives are available for free by searching "Stephanie Klatte" on [www.checkpeople.com](http://www.checkpeople.com).

**RESPONSE:** Plaintiff objects to the word "relatives" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's relatives is a matter of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.checkpeople.com](http://www.checkpeople.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant

admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.checkpeople.com](http://www.checkpeople.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 20:** Admit that the names of your associates are available for free by searching "Stephanie Klatte" on [www.checkpeople.com](http://www.checkpeople.com).

**RESPONSE:** Plaintiff objects to the word "associates" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's associates is a matter of private concern. Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.checkpeople.com](http://www.checkpeople.com) has nothing to do with the claims or defenses. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.checkpeople.com](http://www.checkpeople.com). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 21:** Admit that your name is publicly available.

**RESPONSE:** Plaintiff objects to the phrase "publicly available" as vague because this is not defined and is ambiguous. As a result, Plaintiff is unable to object or respond further to this request as written.

**SUPPLEMENTAL RESPONSE:** Defendant states that "publicly available" means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 22:** Admit that your date of birth is publicly available.

**RESPONSE:** See Stephanie Lukis' response to Whitepages' request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that "publicly available" means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 23:** Admit that your current address is publicly available.

**RESPONSE:** Plaintiff objects to "current address" as vague because this is not defined and is ambiguous. See Stephanie Lukis' response to Whitepages' request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that "publicly available" means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 24:** Admit that your former addresses are publicly available.

**RESPONSE:** Plaintiff objects to "former addresses" as vague because this is not defined and is ambiguous. See Stephanie Lukis' response to Whitepages' request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that "publicly available" means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 25:** Admit that statistics about the neighborhood in which you reside, including property sales trends, resident demographics, and crime rates, are publicly available.

**RESPONSE:** Plaintiff objects to "statistics or information about the neighborhood in which you reside" as vague because this is not defined and is ambiguous. See Stephanie Lukis' response to Whitepages' request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that "publicly available" means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 26:** Admit that your past and present mobile phone numbers are publicly available.

**RESPONSE:** Plaintiff objects to “your past and present mobile phone numbers” as vague because this is not defined and is ambiguous. See Stephanie Lukis’ response to Whitepages’ request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that “publicly available” means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 27:** Admit that your past and present landline phone numbers are publicly available.

**RESPONSE:** Plaintiff objects to “your past and present landline phone numbers” as vague because this is not defined and is ambiguous. See Stephanie Lukis’ response to Whitepages’ request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that “publicly available” means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 28:** Admit that the names and dates of births of your relatives are publicly available.

**RESPONSE:** Plaintiff objects to “your relatives” as vague because this is not defined and is ambiguous. See Stephanie Lukis’ response to Whitepages’ request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that “publicly available” means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 29:** Admit that your bankruptcy records are publicly available.

**RESPONSE:** Plaintiff objects to “bankruptcy records” as vague because this is not defined and is ambiguous. See Stephanie Lukis’ response to Whitepages’ request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that “publicly available” means available for free or for pay from any source. Using this definition, admitted.



**REQUEST NO. 30:** Admit that your traffic records are publicly available.

**RESPONSE:** Plaintiff objects to “traffic records” as vague because this is not defined and is ambiguous. See Stephanie Lukis’ response to Whitepages’ request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that “publicly available” means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 31:** Admit that your criminal and legal judgment records are publicly available.

**RESPONSE:** Plaintiff objects to “criminal and legal judgment records” as vague because this is not defined and is ambiguous. See Stephanie Lukis’ response to Whitepages’ request for admission number 21.

**SUPPLEMENTAL RESPONSE:** Defendant states that “publicly available” means available for free or for pay from any source. Using this definition, admitted.

**REQUEST NO. 32:** Admit that you shared your name without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share your name any further.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s name is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff’s name other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 33:** Admit that you shared your date of birth without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share your date of birth any further.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's date of birth is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff's date of birth other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 34:** Admit that you shared your current address without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share your current address any further.

**RESPONSE:** Plaintiff objects to the phrase "current address" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's current address is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff's address other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 35:** Admit that you shared your past addresses without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share your past addresses any further.

**RESPONSE:** Plaintiff objects to the phrase "past addresses" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's past address is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in

an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff's past address other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 36:** Admit that you shared statistics or information about the neighborhood in which you reside without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share the statistics or information any further.

**RESPONSE:** Plaintiff objects to the phrase "statistics or information about the neighborhood in which you reside" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's residence is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff's address other than by Defendant. Subject to and without waiving same, Plaintiff admits that she has told others some information concerning the neighborhood where she resides.

**REQUEST NO. 37:** Admit that you shared your mobile phone number(s) (including your past mobile phone number(s)) without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share your mobile phone number(s) any further.

**RESPONSE:** Plaintiff objects to the phrase "your mobile phone numbers" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's mobile phone numbers are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to

use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of her mobile phone numbers other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 38:** Admit that you shared landline phone number(s) (including past landline phone number(s)) without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share your landline phone number(s) any further.

**RESPONSE:** Plaintiff objects to the phrase “landline phone number(s)” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s phone numbers are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of her phone numbers other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 39:** Admit that you shared information about your family members or relatives, including their dates of birth, without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share that information about your family members or relatives any further.

**RESPONSE:** Plaintiff objects to the phrase “family members or relatives” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s family members are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to

the extent it seeks information concerning the use of Plaintiff's family members other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 40:** Admit that you shared information about your prior bankruptcy(ies) without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share that information any further.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's financial records are matters of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff's financial records other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 41:** Admit that you shared information about your prior legal judgments without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share that information any further.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to the phrase "legal judgments" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff's legal history is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff's legal history other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 42:** Admit that you shared information about your traffic records without communicating to every person or corporate entity with whom/which you shared that the person or corporate entity should not share that information any further.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to the phrase “traffic records” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because Plaintiff’s driving history is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning the use of Plaintiff’s driving history other than by Defendant. Subject to and without waiving same, admitted.

**REQUEST NO. 43:** Admit that you gave your consent to a person or corporate entity to share your name with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff admits that she has given written consent to specific third parties to share her name on a limited basis with others.



**REQUEST NO. 44:** Admit that you gave your consent to a person or corporate entity to share your date of birth with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff admits that she has given written consent to specific third parties to share her date of birth on a limited basis with others.

**REQUEST NO. 45:** Admit that you gave your consent to a person or corporate entity to share your current address with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” and “current address” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she

knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her current address with others.

**REQUEST NO. 46:** Admit that you gave your consent to a person or corporate entity to share any of your prior addresses with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” and “prior addresses” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her prior addresses with others.

**REQUEST NO. 47:** Admit that you gave your consent to a person or corporate entity to share your mobile phone number(s) with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” and “mobile phone number(s)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to

the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her mobile phone number(s) with others.

**REQUEST NO. 48:** Admit that you gave your consent to a person or corporate entity to share your landline phone number(s) with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” and “landline phone number(s)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her landline phone number(s) with others.

**REQUEST NO. 49:** Admit that you gave your consent to a person or corporate entity to share the names of your relatives with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” and “relatives” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her relatives with others.

**REQUEST NO. 50:** Admit that you gave your consent to a person or corporate entity to share the ages or dates of birth of your relatives with others.

**RESPONSE:** Plaintiff objects to “consent” and “share” and “relatives” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does

not recall giving written consent to anyone to share the ages or dates of birth of her relatives with others.

**REQUEST NO. 51:** Admit that you gave your consent to a person or corporate entity to share your bankruptcy records with others.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “consent” and “share” and “bankruptcy records” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her bankruptcy records with others.

**REQUEST NO. 52:** Admit that you gave your consent to a person or corporate entity to share your legal judgment records with others.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “consent” and “share” and “legal judgment records” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information

that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her legal judgment records with others.

**REQUEST NO. 53:** Admit that you gave your consent to a person or corporate entity to share your traffic records with others.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “consent” and “share” and “traffic records” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff objects to “consent” as overbroad because it is not limited to written consent. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with a “person” or “corporate entity.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable



her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her traffic records with others.

**REQUEST NO. 54:** Admit that you may have given your consent to a person or corporate entity to share your name with others.

**RESPONSE:** See response to request for admission number 43 above.

**REQUEST NO. 55:** Admit that you may have given your consent to a person or corporate entity to share your date of birth with others.

**RESPONSE:** See response to request for admission number 44 above.

**REQUEST NO. 56:** Admit that you may have given your consent to a person or corporate entity to share your current with others.

**RESPONSE:** Plaintiff objects to this as nonsensical.

**REQUEST NO. 57:** Admit that you may have given your consent to a person or corporate entity to share any of your prior addresses with others.

**RESPONSE:** See response to request for admission number 46 above.

**REQUEST NO. 58:** Admit that you may have given your consent to a person or corporate entity to share your mobile phone number(s) with others.

**RESPONSE:** See response for admission number 47 above.

**REQUEST NO. 59:** Admit that you may have given your consent to a person or corporate entity to share your landline phone number(s) with others.

**RESPONSE:** See response to request for admission number 48 above.

**REQUEST NO. 60:** Admit that you may have given your consent to a person or corporate entity to share the names of your relatives with others.

**RESPONSE:** See response to request for admission number 49 above.

**REQUEST NO. 61:** Admit that you may have given your consent to a person or corporate entity to share the ages or dates of birth of your relatives with others.

**RESPONSE:** See response to request for admission number 50 above.

**REQUEST NO. 62:** Admit that you may have given your consent to a person or corporate entity to share your bankruptcy records with others.

**RESPONSE:** See response to request for admission number 51 above.

**REQUEST NO. 63:** Admit that you may have given your consent to a person or corporate entity to share your legal judgment records with others.

**RESPONSE:** See response to request for admission number 52 above.

**REQUEST NO. 64:** Admit that you may have given your consent to a person or corporate entity to share your traffic records with others.

**RESPONSE:** See response to request for admission number 53 above.

**REQUEST NO. 65:** Admit that you have visited the Whitepages' Web site at [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Admitted.

**REQUEST NO. 66:** Admit that when you visited the Whitepages Web site, the Terms of Use produced to you as Whitepages\_000018-24 were posted on the Web site at [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service).

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 67:** Admit that when you visited the Whitepages Web site, the Privacy Notice produced to you as Whitepages\_000025-26 was posted on the Web site at [www.whitepages.com/data-policy](http://www.whitepages.com/data-policy).

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.whitepages.com/data-policy](http://www.whitepages.com/data-policy). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 68:** Admit that you have conducted one or more searches on Whitepages' Web site at [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Admitted.

**REQUEST NO. 69:** Admit that when you conducted one or more searches on the Whitepages Web site, the Terms of Use produced to you as Whitepages\_000018-24 were posted on the Web site at [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service).

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.whitepages.com/terms-of-service](http://www.whitepages.com/terms-of-service). Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 70:** Admit that when you conducted one or more searches on the Whitepages Web site, the Privacy Notice produced to you as Whitepages\_000025-26 was posted on the Web site at [www.whitepages.com/data-policy](http://www.whitepages.com/data-policy).

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited

www.whitepages.com/data-policy. Plaintiff objects to visiting this website as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 71:** Admit that your counsel in this case visited the Whitepages' Web site at www.whitepages.com.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited www.whitepages.com in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 72:** Admit that when your counsel in this case visited the Whitepages Web site, the Terms of Use produced to you as Whitepages\_000018-24 were posted on the Web site at www.whitpages.com/terms-of-service.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited www.whitepages.com in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in

Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 73:** Admit that when your counsel in this case visited the Whitepages Web site, the Privacy Notice produced to you as Whitepages\_000025-26 was posted on the Web site at [www.whitepages.com/data-policy](http://www.whitepages.com/data-policy).

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited [www.whitepages.com](http://www.whitepages.com) in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 74:** Admit that your counsel has conducted one or more searches on Whitepages' Web site at [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited [www.whitepages.com](http://www.whitepages.com) in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in

Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 75:** Admit that when your counsel conducted one or more searches on the Whitepages Web site, the Terms of Use produced to you as Whitepages\_000018-24 were posted on the Web site at [www.whitpages.com/terms-of-service](http://www.whitpages.com/terms-of-service).

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited [www.whitepages.com](http://www.whitepages.com) in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 76:** Admit that when your counsel conducted one or more searches on the Whitepages Web site, the Privacy Notice produced to you as Whitepages\_000025-26 was posted on the Web site at [www.whitpages.com/data-policy](http://www.whitpages.com/data-policy).

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited [www.whitepages.com](http://www.whitepages.com) in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted

that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 77:** Admit that your counsel visited the Whitepages Web site at www.whitepages.com on your behalf.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited www.whitepages.com in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 78:** Admit that your counsel conducted one or more searches on the Whitepages Web site at www.whitepages.com on your behalf.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited www.whitepages.com in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in



Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 79:** Admit that you have not yet identified by name any other member of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Subject to and without waiving same, denied.

**REQUEST NO. 80:** Admit that you have identified by name five or fewer other members of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Subject to and without waiving same, admitted as of the time of this response.

**REQUEST NO. 81:** Admit that you have identified by name ten or fewer other members of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Subject to and without waiving same, admitted as of the time of this response.

**REQUEST NO. 82:** Admit that you have identified by name fifteen or fewer other members of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Subject to and without waiving same, admitted as of the time of this response.

**REQUEST NO. 83:** Admit that you have identified by name twenty or fewer other members of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Subject to and without waiving same, admitted as of the time of this response.

**REQUEST NO. 84:** Admit that members of the putative class as defined in the Complaint may have visited the Whitepages Web site at [www.whitepages.com](http://www.whitepages.com) when the Terms of Use produced to you as Whitepages\_000018-24 were posted on the Web site.

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff is unaware of putative class members' interaction with [www.whitepages.com](http://www.whitepages.com).

**REQUEST NO. 85:** Admit that members of the putative class as defined in the Complaint may have conducted one or more searches on the Whitepages Web site at [www.whitepages.com](http://www.whitepages.com) when the Terms of Use produced to you as Whitepages\_000018-24 were posted on the Web site.

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff is unaware of putative class members' interaction with [www.whitepages.com](http://www.whitepages.com).

**REQUEST NO. 86:** Admit that members of the putative class as defined in the Complaint may have agreed to the Terms of Use produced to you as Whitepages\_000018-24.

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff is unaware of whether putative class members agreed to the Terms of Use produced to you as Whitepages\_000018-24.

**REQUEST NO. 87:** Admit that members of the putative class as defined in the Complaint may have visited the Whitepages Web site at [www.whitepages.com](http://www.whitepages.com) when the Terms of Use produced to you as Whitepages\_000018-24 were posted on the Web site.

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff is unaware of putative class members' interaction with [www.whitepages.com](http://www.whitepages.com).

**REQUEST NO. 88:** Admit that members of the putative class as defined in the Complaint may have conducted one or more searches on the Whitepages Web site at [www.whitepages.com](http://www.whitepages.com) when the Privacy Notice produced to you as Whitepages\_000025-26 was posted on the Web site.

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff is unaware of putative class members' interaction with [www.whitepages.com](http://www.whitepages.com).

**REQUEST NO. 89:** Admit that members of the putative class as defined in the Complaint may have agreed to the Privacy Notice produced in Whitepages\_000025-26.

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff is unaware of whether putative class members agreed to the Privacy Notice produced in Whitepages\_000025-26.

**REQUEST NO. 90:** Admit that the Terms of Use produced to you as Whitepages\_000018-24 include the following language about arbitration: "ANY DISPUTE, CLAIM OR CONTROVERSY BETWEEN YOU AND WHITEPAGES RELATING IN ANY WAY TO THIS AGREEMENT OR YOUR ACCESS TO OR USE OF THE SERVICES OR CONTENT, WHETHER BASED IN CONTRACT, STATUTE, REGULATION, ORDINANCE, TORT (INCLUDING, WITHOUT LIMITATION, FRAUD, MISREPRESENTATION, FRAUDULENT INDUCEMENT, OR NEGLIGENCE), OR ANY OTHER LEGAL OR EQUITABLE THEORY ('DISPUTE'), WILL BE RESOLVED BY BINDING ARBITRATION

IF IT CANNOT BE RESOLVED THROUGH NEGOTIATION AS SET FORTH IN THIS SECTION 12.10. ARBITRATION MEANS THAT THE DISPUTE WILL BE RESOLVED BY A NEUTRAL ARBITRATOR INSTEAD OF IN A COURT BY A JUDGE OR JURY. THE ARBITRATOR WILL DECIDE ALL THRESHOLD QUESTIONS, INCLUDING BUT NOT LIMITED TO, ISSUES RELATING TO THE ENFORCEABILITY, REVOCABILITY, OR VALIDITY OF THIS SECTION 12.10 AND WHETHER EITHER PARTY LACKS STANDING TO ASSERT THEIR CLAIM(S).”

**RESPONSE:** Admitted.

**REQUEST NO. 91:** Admit that the Terms of Use produced to you as Whitepages\_000018-24 include the following language about class waiver: “YOU AND WHITEPAGES EACH WAIVE ALL RIGHTS TO CONDUCT DISPUTE RESOLUTION PROCEEDINGS IN A CLASS ACTION OR CONSOLIDATED ACTION. YOU AND WHITEPAGES EACH AGREE THAT ANY DISPUTE RESOLUTION PROCEEDINGS WILL BE CONDUCTED ONLY ON AN INDIVIDUAL BASIS, WITH THE SOLE EXCEPTION OF REPRESENTATIVE SUITS THAT ARE PERMITTED BY, AND DEEMED UNWAIVABLE UNDER, STATE LAW. IF FOR ANY REASON A CLAIM PROCEEDS IN COURT RATHER THAN IN ARBITRATION, WE EACH WAIVE ANY RIGHT TO A JURY TRIAL.”

**RESPONSE:** Admitted.

**REQUEST NO. 92:** Admit that you are not the only person ever named “Stephanie Lukis.”

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of anyone else with this same name nor does Plaintiff have personal knowledge of everyone’s name.

**REQUEST NO. 93:** Admit that you are not the only person ever named “Stephane M. Lukis.”

**RESPONSE:** Plaintiff objects to this as irrelevant as her name is not “Stephane M. Lukis”

**REQUEST NO. 94:** Admit that you are not the only person ever named “Stephanie Marie Lukis.”

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of anyone else with this same name nor does Plaintiff have personal knowledge of everyone’s name.

**REQUEST NO. 95:** Admit that you are not the only person ever named “Stephanie Klatte.”

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of anyone else with this same name nor does Plaintiff have personal knowledge of everyone’s name.

**REQUEST NO. 96:** Admit that you are not the only person ever named “Stephanie M. Klatte.”

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of anyone else with this same name nor does Plaintiff have personal knowledge of everyone’s name.

**REQUEST NO. 97:** Admit that you are not the only person ever named “Stephanie Marie Klatte.”

**RESPONSE:** Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have

personal knowledge of anyone else with this same name nor does Plaintiff have personal knowledge of everyone's name.

**REQUEST NO. 98:** Admit that you have provided written consent to one or more third parties to use your name.

**RESPONSE:** Plaintiff objects to the word "use" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with "third parties." Subject to and without waiving same, Plaintiff admits that she has given written consent to specific third parties to use her name on a limited basis with others.

**REQUEST NO. 99:** Admit that you have provided written consent to one or more third parties to use your date of birth.

**RESPONSE:** Plaintiff objects to the word "use" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with "third parties." Subject to and without waiving

same, Plaintiff admits that she has given written consent to specific third parties to use her date of birth on a limited basis with others.

**REQUEST NO. 100:** Admit that you have provided written consent to one or more third parties to use your current address.

**RESPONSE:** Plaintiff objects to “use” and “current address” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use her current address with others.

**REQUEST NO. 101:** Admit that you have provided written consent to one or more third parties to use any of your past addresses.

**RESPONSE:** Plaintiff objects to “use” and “past addresses” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving



same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use her past addresses with others.

**REQUEST NO. 102:** Admit that you have provided written consent to one or more third parties to use your mobile phone number(s).

**RESPONSE:** Plaintiff objects to “use” and “her mobile phone number(s)” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use her mobile phone number(s) with others.

**REQUEST NO. 103:** Admit that you have provided written consent to one or more third parties to use your landline phone number(s).

**RESPONSE:** Plaintiff objects to “use” and “landline phone number(s)” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome

for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use her landline phone number(s) with others.

**REQUEST NO. 104:** Admit that you have provided written consent to one or more third parties to use the names of your relatives.

**RESPONSE:** Plaintiff objects to “use” and “relatives” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use the names of her relatives with others.

**REQUEST NO. 105:** Admit that you have provided written consent to one or more third parties to use the dates of birth of your relatives.

**RESPONSE:** Plaintiff objects to “use” and “relatives” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks

information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use the dates of birth of her relatives with others.

**REQUEST NO. 106:** Admit that you have provided written consent to one or more third parties to use your bankruptcy records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “use” and “bankruptcy records” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use her bankruptcy records with others.

**REQUEST NO. 107:** Admit that you have provided written consent to one or more third parties to use your records of legal judgments.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “use” and “records of legal

judgments” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to use records of her legal judgments with others.

**REQUEST NO. 108:** Admit that you have provided written consent to one or more third parties to use your traffic records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “use” and “traffic records” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny

because Plaintiff does not recall giving written consent to anyone to use her traffic records with others.

**REQUEST NO. 109:** Admit that you may have provided written consent to one or more third parties to use your name.

**RESPONSE:** See response to request for admission number 98 above.

**REQUEST NO. 110:** Admit that you may have provided written consent to one or more third parties to use your date of birth.

**RESPONSE:** See response to request for admission number 99 above.

**REQUEST NO. 111:** Admit that you may have provided written consent to one or more third parties to use your current address.

**RESPONSE:** See response to request for admission number 100 above.

**REQUEST NO. 112:** Admit that you may have provided written consent to one or more third parties to use any of your past addresses.

**RESPONSE:** See response to request for admission number 101 above.

**REQUEST NO. 113:** Admit that you may have provided written consent to one or more third parties to use your mobile phone number(s).

**RESPONSE:** See response to request for admission number 102 above.

**REQUEST NO. 114:** Admit that you may have provided written consent to one or more third parties to use your landline phone number(s).

**RESPONSE:** See response to request for admission number 103 above.

**REQUEST NO. 115:** Admit that you may have provided written consent to one or more third parties to use the names of your relatives.

**RESPONSE:** See response to request for admission number 104 above.

**REQUEST NO. 116:** Admit that you may have provided written consent to one or more third parties to use the dates of birth of your relatives.

**RESPONSE:** See response to request for admission number 105 above.

**REQUEST NO. 117:** Admit that you may have provided written consent to one or more third parties to use your bankruptcy records.

**RESPONSE:** See response to request for admission number 106 above.

**REQUEST NO. 118:** Admit that you may have provided written consent to one or more third parties to use your records of legal judgments.

**RESPONSE:** See response to request for admission number 107 above.

**REQUEST NO. 119:** Admit that you may have provided written consent to one or more third parties to use your traffic records.

**RESPONSE:** See response to request for admission number 108 above.

**REQUEST NO. 120:** Admit that you have provided written consent to one or more third parties to share with others your name.

**RESPONSE:** Plaintiff objects to “share” as vague because this is not defined and is ambiguous.

Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff admits that she has given written consent to specific third parties to share her name on a limited basis with others.

**REQUEST NO. 121:** Admit that you have provided written consent to one or more third parties to share with others your date of birth.

**RESPONSE:** Plaintiff objects to “share” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff admits that she has given written consent to specific third parties to share her name on a limited basis with others.

**REQUEST NO. 122:** Admit that you have provided written consent to one or more third parties to share with others your current address.

**RESPONSE:** Plaintiff objects to “share” and “current address” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her current address with others.



**REQUEST NO. 123:** Admit that you have provided written consent to one or more third parties to share with others any of your past addresses.

**RESPONSE:** Plaintiff objects to “share” and “past addresses” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her past addresses with others.

**REQUEST NO. 124:** Admit that you have provided written consent to one or more third parties to share with others your mobile phone number(s).

**RESPONSE:** Plaintiff objects to “share” and “your mobile phone number(s)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she

knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her mobile phone number(s) with others.

**REQUEST NO. 125:** Admit that you have provided written consent to one or more third parties to share with others your landline phone number(s).

**RESPONSE:** Plaintiff objects to “share” and “your landline phone number(s)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her landline phone number(s) with others.

**REQUEST NO. 126:** Admit that you have provided written consent to one or more third parties to share with others the names of your relatives.

**RESPONSE:** Plaintiff objects to “share” and “relatives” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving

same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share the names of her relatives with others.

**REQUEST NO. 127:** Admit that you have provided written consent to one or more third parties to share with others the dates of birth of your relatives.

**RESPONSE:** Plaintiff objects to “share” and “relatives” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share the dates of birth of her relatives with others.

**REQUEST NO. 128:** Admit that you have provided written consent to one or more third parties to share with others your bankruptcy records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “share” and “bankruptcy records” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as

overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her bankruptcy records with others.

**REQUEST NO. 129:** Admit that you have provided written consent to one or more third parties to share with others your records of legal judgments.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “share” and “records of legal judgments” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her records of legal judgments with others.

**REQUEST NO. 130:** Admit that you have provided written consent to one or more third parties to share with others your traffic records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “share” and “traffic records” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects as unduly burdensome for her to review the terms of all of her agreements with “third parties.” Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not recall giving written consent to anyone to share her traffic records with others.

**REQUEST NO. 131:** Admit that you may have provided written consent to one or more third parties to share with others your name.

**RESPONSE:** See response to request for admission number 120 above.

**REQUEST NO. 132:** Admit that you may have provided written consent to one or more third parties to share with others your date of birth.

**RESPONSE:** See response to request for admission number 121 above.

**REQUEST NO. 133:** Admit that you may have provided written consent to one or more third parties to share with others your current address.

**RESPONSE:** See response to request for admission number 122 above.

**REQUEST NO. 134:** Admit that you may have provided written consent to one or more third parties to share with others any of your past address(es).

**RESPONSE:** See response to request for admission number 123 above.

**REQUEST NO. 135:** Admit that you may have provided written consent to one or more third parties to share with others your mobile phone number(s).

**RESPONSE:** See response to request for admission number 124 above.

**REQUEST NO. 136:** Admit that you may have provided written consent to one or more third parties to share with others your landline phone number(s).

**RESPONSE:** See response to request for admission number 125 above.

**REQUEST NO. 137:** Admit that you may have provided written consent to one or more third parties to share with others the names of your relatives.

**RESPONSE:** See response to request for admission number 126 above.

**REQUEST NO. 138:** Admit that you may have provided written consent to one or more third parties to share with others the dates of birth of your relatives.

**RESPONSE:** See response to request for admission number 127 above.

**REQUEST NO. 139:** Admit that you may have provided written consent to one or more third parties to share with others your bankruptcy records.

**RESPONSE:** See response to request for admission number 128 above.

**REQUEST NO. 140:** Admit that you may have provided written consent to one or more third parties to share with others your records of legal judgments.

**RESPONSE:** See response to request for admission number 129 above.

**REQUEST NO. 141:** Admit that you may have provided written consent to one or more third parties to share with others your traffic records.

**RESPONSE:** See response to request for admission number 130 above.

**REQUEST NO. 142:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their name(s).

**RESPONSE:** Plaintiff objects to “use” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use their name(s) with others.

**REQUEST NO. 143:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their date(s) of birth.

**RESPONSE:** Plaintiff objects to “use” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit



or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use their dates of birth with others.

**REQUEST NO. 144:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their current address(es).

**RESPONSE:** Plaintiff objects to “use” and “current address(es)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use their current address(es) with others.

**REQUEST NO. 145:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use any of his, her, or their past addresses.

**RESPONSE:** Plaintiff objects to “use” and “past addresses” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it

obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use their past addresses with others.

**REQUEST NO. 146:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their mobile phone number(s).

**RESPONSE:** Plaintiff objects to "use" and "their mobile phone number(s)" as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use their mobile phone number(s) with others.

**REQUEST NO. 147:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their landline phone number(s).

**RESPONSE:** Plaintiff objects to "use" and "their landline phone number(s)" as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and

defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use their landline phone number(s) with others.

**REQUEST NO. 148:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use the names of his, her, or their relatives.

**RESPONSE:** Plaintiff objects to "use" and "relatives" as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use the names of their relatives with others.

**REQUEST NO. 149:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use the dates of birth of his, her, or their relatives.

**RESPONSE:** Plaintiff objects to “use” and “relatives” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use the names of their relatives’ dates of birth with others.

**REQUEST NO. 150:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their bankruptcy records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “use” and “bankruptcy records” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written

consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use the names of their bankruptcy records with others.

**REQUEST NO. 151:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their records of legal judgments.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “use” and “their records of legal judgments” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use the names of their records of legal judgments with others.

**REQUEST NO. 152:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to use his, her, or their traffic records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “use” and “traffic records” as

vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern.

Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent.

Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to use the names of their traffic records with others.

**REQUEST NO. 153:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their name(s).

**RESPONSE:** Plaintiff objects to "share" as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their names with others.

**REQUEST NO. 154:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their date(s) of birth.

**RESPONSE:** Plaintiff objects to “share” as vague because this is not defined and is ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their dates of birth with others.

**REQUEST NO. 155:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their current address(es).

**RESPONSE:** Plaintiff objects to “share” and “current address(es)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether



putative class members gave their written consent to anyone to share their current address(es) with others.

**REQUEST NO. 156:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others any of his, her, or their past address(es).

**RESPONSE:** Plaintiff objects to “share” and “past address(es)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their past address(es) with others.

**REQUEST NO. 157:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their mobile phone number(s).

**RESPONSE:** Plaintiff objects to “share” and “their mobile phone number(s)” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession

of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their mobile phone number(s) with others.

**REQUEST NO. 158:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their landline phone number(s).

**RESPONSE:** Plaintiff objects to "share" and "their landline phone number(s)" as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their landline phone number(s) with others.

**REQUEST NO. 159:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others the names of his, her, or their relatives.

**RESPONSE:** Plaintiff objects to "share" and "relatives" as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented

because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their relatives' names with others.

**REQUEST NO. 160:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others the dates of birth of his, her, or their relatives.

**RESPONSE:** Plaintiff objects to "share" and "relatives" as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their relatives' dates of birth with others.

**REQUEST NO. 161:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their bankruptcy records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “share” and “bankruptcy records” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members’ written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their bankruptcy records with others.

**REQUEST NO. 162:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their records of legal judgments.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to “share” and “records of legal judgments” as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly

burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their records of legal judgments with others.

**REQUEST NO. 163:** Admit that one or more other members of the putative class as defined in the Complaint may have provided written consent to one or more third parties to share with others his, her, or their traffic records.

**RESPONSE:** Plaintiff objects to the extent this requests matters protected by attorney-client privilege and protected attorney work product. Plaintiff objects to "share" and "traffic records" as vague because these are not defined and are ambiguous. Plaintiff objects to this as irrelevant to the claims and defenses presented because this seeks information that is a private concern. Plaintiff also objects to this as overbroad and irrelevant to the extent it seeks information concerning other than by Defendant. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of whether it obtained putative class members' written consent. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff does not have personal knowledge of whether putative class members gave their written consent to anyone to share their traffic records with others.

**REQUEST NO. 164:** Admit that you alleged in the Complaint that "It would be extremely easy for Whitepages to maintain their business model while still complying with state law. For example, Whitepages could merely display the names of searched individuals—without more identifying information, in their advertisements for their services."

**RESPONSE:** Admitted.

**REQUEST NO. 165:** Admit that Whitepages' mere display of names, without more identifying information, in Whitepages' alleged advertisements for its services would not be a violation of the Illinois Right of Publicity Act, 765 ILCS § 1075/1, *et seq.*

**RESPONSE:** Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Requests for Admission, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of www.whitepages.com are not relevant to any claims or defenses. Defendant does not define what it means in this request by the term "alleged advertisements" and thus it is vague and ambiguous whether this means the advertisements herein sued upon or other advertisements. Plaintiff further objects as premature as discovery is ongoing and the full extent of the operations of whitepages.com is not yet known. Plaintiff further objects as irrelevant as how Whitepages' website could function is not relevant to any claims or defenses. Plaintiff further objects as requesting a legal conclusion and unduly burdensome because Whitepages is represented by lawyers and Plaintiff cannot provide it with legal advice.

**REQUEST NO. 166:** Admit that Whitepages provides data about people for free.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Requests for Admission, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of www.whitepages.com are not relevant to any claims or defenses. Plaintiff objects to the phrase "provides data about people for free" as vague because this is ambiguous. Subject to and without waiving the foregoing, Plaintiff admits that some data is available for free

on the website located at [www.whitepages.com](http://www.whitepages.com), and Plaintiff denies that all data is available for free on the website located at [www.whitepages.com](http://www.whitepages.com).

**REQUEST NO. 167:** Admit that Whitepages provides data correlating to a searched name for free.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Requests for Admission, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of [www.whitepages.com](http://www.whitepages.com) are not relevant to any claims or defenses. Plaintiff objects to the phrase "provides data about people for free" as vague because this is ambiguous. Subject to and without waiving the foregoing, Plaintiff admits that some data is available for free on the website located at [www.whitepages.com](http://www.whitepages.com), and Plaintiff denies that all data is available for free on the website located at [www.whitepages.com](http://www.whitepages.com).

**REQUEST NO. 168:** Admit that Whitepages provides data about people for a fee.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Requests for Admission, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of [www.whitepages.com](http://www.whitepages.com) are not relevant to any claims or defenses. Plaintiff objects to the phrase "provides data about people for free" as vague because this is ambiguous. Subject to and without waiving the foregoing, Plaintiff admits that some data is available for a fee on the website located at [www.whitepages.com](http://www.whitepages.com), and Plaintiff denies that all data is available only for a fee on the website located at [www.whitepages.com](http://www.whitepages.com).



**REQUEST NO. 169:** Admit that Whitepages provides data correlating to a searched name for a fee.

**RESPONSE:** Plaintiff objects to this as overbroad and vague because the word Whitepages, as defined as defined in Defendant's Requests for Admission, means Whitepages, Inc. and Whitepages, Inc.'s general operations outside of www.whitepages.com are not relevant to any claims or defenses. Plaintiff objects to the phrase "provides data about people for free" as vague because this is ambiguous. Subject to and without waiving the foregoing, Plaintiff admits that some data is available for a fee on the website located at www.whitepages.com, and Plaintiff denies that all data is available only for a fee on the website located at www.whitepages.com.

**REQUEST NO. 170:** Admit that the data that Whitepages provides about people for a fee includes the data that Whitepages provides about people for free.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing and Defendant has not provided Plaintiff with the response to this information. Plaintiff objects to this request to the extent that it calls for documents readily or more accessible to Defendant.

**REQUEST NO. 171:** Admit that Whitepages advertises data about people for a fee with data about people for free.

**RESPONSE:** Plaintiff objects to this as written because the meaning of this request is not clear and is nonsensical.

**REQUEST NO. 172:** Admit that Whitepages advertises data correlating to a searched name for a fee with data correlating to a searched name for free.

**RESPONSE:** Plaintiff objects to this as written because the meaning of this request is not clear and is nonsensical.

**REQUEST NO. 173:** Admit that when you searched “Stephanie M. Lukis” on Whitepages’ Web site at [www.Whitepages.com](http://www.Whitepages.com), some data returned in response did not relate to you.

**RESPONSE:** Plaintiff objects to “some data” as vague because this is not defined and is ambiguous. Subject to and without waiving same, admitted.

**REQUEST NO. 174:** Admit that when your counsel searched “Stephanie M. Lukis” on Whitepages’ Web site at [www.Whitepages.com](http://www.Whitepages.com), some data returned in response did not relate to you.

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff’s counsel visited [www.whitepages.com](http://www.whitepages.com) in the process of opposing Defendant’s motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff’s counsel agreed on July 21, 2020 to the Terms of Use produced in Whitepages\_000018-24 while in the process of opposing Defendant’s motion for summary judgment.

**REQUEST NO. 175:** Admit that as of October 7, 2020, the mobile phone number (773) 957-6403 was available for free on one or more of the following Web sites:  
[www.truepeoplesearch.com](http://www.truepeoplesearch.com), [www.checkpeople.com](http://www.checkpeople.com), [www.searchpeoplefree.com](http://www.searchpeoplefree.com).

**RESPONSE:** Plaintiff objects to this as it is unclear what is the relevance of this mobile phone number. Plaintiff objects as irrelevant to the claims and defenses presented because Plaintiff’s phone number is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff’s written consent to use her identity in an advertisement.

Plaintiff also objects to this as irrelevant to the claims and defenses presented because the search functionality of [www.truepeoplesearch.com](http://www.truepeoplesearch.com), [www.checkpeople.com](http://www.checkpeople.com), and [www.searchpeoplefree.com](http://www.searchpeoplefree.com) has nothing to do with the claims or defenses. Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because Plaintiff has not visited [www.truepeoplesearch.com](http://www.truepeoplesearch.com), [www.checkpeople.com](http://www.checkpeople.com), and [www.searchpeoplefree.com](http://www.searchpeoplefree.com). Plaintiff objects to visiting these websites as unduly burdensome if her use of this website would constitute an agreement to the website's terms.

**REQUEST NO. 176:** Admit that as of October 7, 2020, the mobile phone number (703) 313-1364 was available for free on one or more of the following Web sites:

[www.truepeoplesearch.com](http://www.truepeoplesearch.com), [www.checkpeople.com](http://www.checkpeople.com), [www.searchpeoplefree.com](http://www.searchpeoplefree.com).

**RESPONSE:** See response to request for admission number 175.

**REQUEST NO. 177:** Admit that as of October 7, 2020, your current mobile phone number was available for free on one or more publicly available Web sites for free.

**RESPONSE:** Plaintiff objects as irrelevant to the claims and defenses presented because Plaintiff's phone number is a matter of private concern. This request is further irrelevant because Defendant admits that it did not obtain Plaintiff's written consent to use her identity in an advertisement. Plaintiff objects to the phrase "publicly available" as vague because this is not defined and is ambiguous. As a result, Plaintiff is unable to object or respond further to this request as written.

**REQUEST NO. 178:** Admit that you don't know whether name searches on [www.whitepages.com](http://www.whitepages.com) are saved.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Plaintiff objects to the phrase “name searches” as vague because this is not defined and is ambiguous. Plaintiff further objects as unduly burdensome as this information is in the possession of the Defendant. Subject to and without waiving same, Plaintiff has made a reasonable inquiry and the information she knows or can readily obtain is insufficient to enable her to admit or deny because she has not yet received this information from the Defendant.

**REQUEST NO. 179:** Admit that if searches of names on [www.whitepages.com](http://www.whitepages.com) are not saved, there is no way to identify members of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this as premature as discovery is ongoing. Plaintiff objects to this as irrelevant to the claims and defenses herein. Plaintiff objects to “identity” as vague because this is not defined and is ambiguous. Plaintiff further objects to this as requesting information on her legal strategy which is protected by attorney-client privilege and protected attorney work product.

**REQUEST NO. 180:** Admit that you don’t know how you will identify members of the putative class as defined in the Complaint.

**RESPONSE:** Plaintiff objects to this as irrelevant to the claims and defenses herein. Plaintiff objects to “identify” as vague because this is not defined and is ambiguous. Plaintiff further objects to this as requesting information on her legal strategy which is protected by attorney-client privilege and protected attorney work product.

**REQUEST NO. 181:** Admit that you signed up for a paid membership on [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Denied.

**REQUEST NO. 182:** Admit that in investigating your claim and/or in preparing your summary judgment response, your counsel signed up for a paid membership on [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited [www.whitepages.com](http://www.whitepages.com) in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in [Whitepages\\_000018-24](#) while in the process of opposing Defendant's motion for summary judgment.

**REQUEST NO. 183:** Admit that you've paid for one or more background reports on [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Denied.

**REQUEST NO. 184:** Admit that your counsel has paid for one or more background reports on [www.whitepages.com](http://www.whitepages.com).

**RESPONSE:** Plaintiff objects to this request as irrelevant because the fact that Plaintiff's counsel visited [www.whitepages.com](http://www.whitepages.com) in the process of opposing Defendant's motion for summary judgment is uncontested. Plaintiff objects as requesting protected attorney work product and Defendant has not shown a substantial need and an inability to obtain the substantial equivalent without undue hardship. Plaintiff objects to this request as unduly burdensome as Defendant is in possession of this information. Subject to and without waiving same, admitted that Plaintiff's counsel agreed on July 21, 2020 to the Terms of Use produced in

Whitepages\_000018-24 while in the process of opposing Defendant's motion for summary judgment.

*Respectfully submitted,*

*/s/ William H. Beaumont*

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William H. Beaumont  
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*Attorneys for Plaintiff*

**Certificate of Service**

I hereby certify that the foregoing was served on counsel of record for Whitepages, Inc.  
on this 4<sup>th</sup> day of January, 2021.

*/s/ William H. Beaumont*

# Exhibit H





Chicago  
New York  
Washington, DC  
London  
San Francisco  
Los Angeles  
Singapore  
[vedderprice.com](http://vedderprice.com)

January 11, 2021

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**BY EMAIL**

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**Re: *Lukis v. Whitepages, Inc.*, Case No. 19-cv-4871 (U.S. Northern District of Illinois) -  
Fed. R. Civ. P. 11 notice and ongoing uncured discovery deficiencies**

Dear Mr. Beaumont:

On behalf of defendant Whitepages, Inc., I'm writing pursuant to Federal Rule of Civil Procedure 11 to address the numerous Rule 11 violations that have come to light in discovery — most notably in the January 5, 2021 first deposition session of your client, plaintiff Stephanie Lukis ("Plaintiff") — and to demand that **you withdraw Ms. Lukis's complaint immediately**. To the extent you continue with Ms. Lukis's Complaint, we also reserve all rights under 28 U.S.C. § 1927 to recover for excessive fees and costs incurred by Whitepages as a result of your continuing to litigate on her behalf, unreasonably and vexatiously multiplying the proceedings.

As set forth in greater detail below, Plaintiff's testimony January 5 made clear that she does not understand the allegations in the Complaint, she has not reviewed any pleadings (including, but not limited to, the Complaint) before filing, she is not claiming any damages cognizable under the Illinois Right to Publicity Act, 765 ILCS 1075/1, *et al.* ("IRPA"), she has no knowledge of IRPA whatsoever, and she had never met (or, for that matter, spoken with) the attorney who has taken the lead in all hearings in this matter for her (Roberto Costales) before the day of her deposition. Given these facts, it is obvious that Plaintiff can't prosecute an IRPA claim, that Plaintiff is an inadequate class representative, that Beaumont Costales did not engage in reasonable efforts to investigate her claim before filing a complaint on her behalf, and that Beaumont Costales is inadequate to represent Ms. Lukis as a putative class representative or to represent the putative class.

Plaintiff's deposition also made clear that she is inadequate because she has utterly failed to comply with her obligations in responding to discovery. She has made no reasonable effort to search for documents, and she identified numerous sources of relevant documents during her testimony that she had not searched.

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These deficiencies are in addition to the ongoing issues identified in our two prior discovery letters, most of which remain unresolved.

Until these issues are addressed and resolved, Whitepages will continue to hold Ms. Lukis's deposition open (if she and you persist in prosecuting this case on her behalf). And unless she voluntarily dismisses her case before then (which she and you should do), we will resume, as agreed, with her deposition at 9:30 a.m. Central January 13, 2021. We hope that before then, based on the issues set forth below, she and you will agree to withdraw without our having to serve you with a motion pursuant Fed. R. Civ. P. 11(c)(2), to be filed with the Court 21 days thereafter.

### **Federal Rule of Civil Procedure 11**

As you are no doubt aware, Federal Rule of Civil Procedure 11(b) states that:

By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed ***after an inquiry reasonable under the circumstances*** . . . the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law . . . [and] ***the factual contentions have evidentiary support*** or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

(Emphasis added). When a party fails to meet this standard, a motion for sanctions may be brought under Rule 11(c)(1), which states that “[i]f, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation.” Notably, “Rule 11 not only obligates an attorney to conduct a reasonable pre-filing investigation, but also to ‘review, examine, and re-evaluate his position as the facts of the case come to light.’” *Blossom v. Blackhawk Datsun, Inc.*, 120 F.R.D. 91, 100 (S.D. Ind. 1988); *see also Alimissis v. Chalmers*, 1989 WL 84396, \*1 (N.D. Ill. July 19, 1989) (awarding Rule 11 sanctions when counsel should have known after the party's deposition, if not before, that the claim was not tenable). “A pleading, motion, or paper is not well-grounded in fact if it is contradicted by uncontroverted evidence that was or should have been known to the attorney or the party signing the filing.” *In re Alberto*, 119 B.R. 985, 992 (Bankr. N.D. Ill. 1990).

The *Blossom* case is particularly instructive. There, the defendants had filed a counterclaim for defamation. The court noted that “by the time the depositions were taken . . . it is evident that the factual basis for the defamation claim was lacking or at the very least that the defendants could not produce the evidence. Adequate investigation or research should have disclosed the flaws in this claim even before the depositions. By that time, the defendants and their counsel had an obligation to dismiss the claim.” 120 F.R.D. at 100. Similarly, as set forth below, it was abundantly clear at Plaintiff's deposition (and it should have been clear to Plaintiff's counsel before the deposition) that her claim has no merit and should be dismissed. Failure to do so will subject Plaintiff and counsel to sanctions under Rule 11.

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**A. The facts do not support the claims asserted by Plaintiff.**

Based on Plaintiff's deposition testimony, there are multiple reasons that she can't pursue an IRPA claim. First, Plaintiff was unable to articulate any harms cognizable under IRPA. *See* Deposition of Stephanie Lukis ("Lukis Dep."), at pp. 226-229. Plaintiff complained of an ulcer, emotional distress, and anxiety, but also stated she was not seeking to recover for those harms in this litigation. *Id.* Rather, she stated that her goal in the case is "to get my name and information off of every website possible, and this seems to be the only way to do it." (Lukis Dep. 229:5-7). In addition to being factually incorrect, this is not a form of relief afforded under IRPA, and Plaintiff was not able to describe *any* monetary damages that she is seeking in this case. (Lukis Dep. 229:8-14). Moreover, Lukis repeatedly testified her harm resulted only from her mother's having contacted and harassed her after allegedly learning Lukis's new cell phone number from Whitepages and Instant Checkmate. (Lukis Dep. 225:17-229:14). Given multiple opportunities to testify that she allegedly was complaining about alleged use of her identity without her written consent to advertise a separate product, Lukis utterly failed to articulate that theory. (Lukis Dep. 34:10-20; 78:1-19; 111:24-112:11; 117:15-20; 121:10-15; 262:21-263:4).

Second, Plaintiff's deposition established that she has repeatedly agreed in writing to the sharing and use (including advertising use) of her allegedly personal information online. Plaintiff stated throughout her deposition that she provided her personal information to various Web sites without reading their privacy policies and terms of service, such as LinkedIn, Facebook, and Credit Karma. (Lukis Dep. 70:22-71:4). She also acknowledged that she had affirmatively consented to Web site terms and conditions for sites like LinkedIn and Facebook, which include consents for sharing and use of certain information with and by third parties (including for advertising purposes). (Lukis Dep. 138:8-17; 186:24-187:16). Indeed, her phone number was available in her Facebook profile until at least September 2018. (Lukis Dep. 185). Plaintiff also admitted that anyone who signs up for an account on Whitepages.com agrees to be bound by the terms and conditions and privacy policy on the site and that Roberto Costales, who signed up for a Whitepages.com account and admits to having accepted Whitepages' terms and privacy policy, is investigating and prosecuting her case as her agent. (Lukis Dep. 249:1-22).

Any one of these issues alone is sufficient to defeat Plaintiff's IRPA claim (particularly as a class action). Combined, it is clear that Plaintiff's claim has no merit and should be dismissed.

**B. Plaintiff is not an adequate or typical class representative.**

Even if Plaintiff's IRPA claim had merit (which it does not), her first deposition session made clear that she is not a suitable class representative. As an initial matter, Plaintiff suffers serious credibility problems that make her an inadequate class representative. *See e.g., Schleicher v. Wendt* 2009 WL 761157, \*3 (S.D. Ind. March 20, 2009) (class representative who was convicted of criminal fraud was unfit to serve as fiduciary for class); *Kaplan v. Pomerantz*, 132 F.R.D. 504, 510 (N.D. Ill. 1990) (false testimony during deposition warranted decertification of the class). During her deposition, Plaintiff admitted that she had lied in corporate filings with the state of Illinois so that her husband's business could (falsely) be considered a woman-owned business. (Lukis Dep. 85:2-86:7). This is an admission of criminal fraud. Plaintiff also acknowledged that she is the subject of multiple unpaid civil judgments (Lukis Dep. 81-84).

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and misdemeanor offenses (Lukis Dep. 90-94) that she incredibly claimed not to remember. Plaintiff's dishonesty also was shown in the deposition itself — on two separate occasions Plaintiff claimed not to remember entering into a contract and then, mere minutes later, claimed to remember the terms of the contracts (which she presented in a self-serving fashion). *See* Lukis Dep. 102:17-103:24 (addressing TMobile contract); Lukis Dep. 104:17-105:6 (addressing Sprint contract).

Plaintiff also is inadequate because of her shocking lack of participation in, and understanding of, this case. Plaintiff admitted the following during her deposition:

- She does not know what IRPA is. (Lukis Dep. 34:21-35:8)
- She does not know the name of the law firm representing her. (Lukis Dep. 43:9-10).
- She had never met or spoken to one of her attorneys, Mr. Costales, before the day of the deposition. (Lukis Dep. 50:17-19).
- She did nothing to prepare for the deposition. (Lukis Dep. 57:19-21).
- She believes this case is an effort to ensure that her personal information is not available anywhere on the Internet. (Lukis Dep. 34:10-17).
- She believes that her *name* is private information. (Lukis Dep. 107:4-14).
- She has never read any terms and conditions when requesting information online. (Lukis Dep. 70:22-71:4).
- She does not remember what the engagement letter with her counsel said. (Lukis Dep. 128:18).
- She did not review the Complaint before it was filed. (Lukis Dep. 129:9-13).
- She did not review any pleadings before filing. (Lukis Dep. 130:9-11).
- She has not discussed damages with counsel. (Lukis Dep. 229:8-14).
- She is not aware of what her counsel is doing in the litigation. (Lukis Dep. 239:3-7, 15-24).
- She is not aware that her counsel Roberto Costales has conceded he accepted Whitepages' terms and privacy policy in investigating and prosecuting her case. (Lukis Dep. 239:15-21).
- She did not search for any documents until three days before the deposition. (Lukis Dep. 26:12-14).

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- She has not searched for any documents related to Whitepages. (Lukis Dep. 246:10-15).
- She could not remember whether she visited Whitepages.com (a critical issue in the case) and gave answers inconsistent with her discovery responses. (Lukis Dep. 220-221).

In short, Plaintiff's deposition showed a stunning lack of understanding for what this case is about and what her role is in it. As the lead plaintiff for a putative class, Plaintiff obviously must be willing to respond to discovery, having put her privacy and consent at issue by filing this lawsuit. But Plaintiff repeatedly was unwilling to answer questions, claiming privacy interests in matters that are not private. *See, e.g.*, Lukis Dep. 154:19-21; 164.

Plaintiff is also inadequate — and atypical of the class — because there are a number of unique facts about her case. Plaintiffs' experience of allegedly being harassed by her mother because her mother allegedly found Plaintiff's information on Whitepages.com is unique to Plaintiff and raises atypical issues related to Plaintiff's claim (and incidentally subjects her mother, Deborah Egan, to a claim for breach of Whitepages' terms regarding harassment and to defense and indemnity of Whitepages against Lukis's claim). Moreover, as discussed above, Plaintiff's sharing of her information online, her agreement to certain terms related to sharing and use, and her counsel's agreement to certain terms as her agent make her atypical of the class and subject her to unique defenses that defeat adequacy.

Given the obvious problems with adequacy and typicality, there is no justification for Lukis or her counsel to continue pursuit of a putative class action with Plaintiff as the proposed class representative.

### **C. Beaumont Costales failed to adequately research plaintiff's claims.**

Plaintiff's deposition also brought to light numerous failures by Beaumont Costales that demonstrate that the firm cannot adequately represent the putative class. Specifically, Plaintiff stated that:

- Beaumont Costales did not share the Complaint with her before filing. (Lukis Dep. 129:9-13).
- Beaumont Costales did not share any pleadings with her before filing. (Lukis Dep. 130:9-11).
- Plaintiff had never spoken to or met Roberto Costales before the day of her deposition. (Lukis Dep. 50:17-19).
- Beaumont Costales had not told Plaintiff that Mr. Costales had accepted the Whitepages terms and privacy policy as her agent. (Lukis Dep. 239:3-7, 15-24).
- She did not search for *anything* in discovery until three days before the deposition. (Lukis Dep. 26:12-14).
- Beaumont Costales did not discuss damages with Plaintiff. (Lukis Dep. 229:8-14).

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- She is not aware of what her counsel is doing in the litigation. (Lukis Dep. 239:3-7, 15-24).
- Beaumont Costales failed to produce a single document in this litigation in response to Whitepages' discovery until less than 24 hours before Plaintiff's deposition commenced.

In light of the foregoing, it is clear that Beaumont Costales has failed to fulfill even its most basic duties as counsel for Plaintiff, namely keeping her apprised of what is going on in the case, obtaining client feedback and approval on filings to ensure their accuracy, and coordinating appropriate discovery responses from Plaintiff. These astonishing failures by Beaumont Costales are more than enough to have the firm deemed inadequate class counsel.

Moreover, the conduct by Beaumont Costales during Plaintiff's deposition is separately sanctionable and further demonstrates inadequacy. In an apparent effort to obfuscate and delay, Beaumont Costales made numerous inappropriate objections, including instructing Plaintiff not to answer a stunning 26 times. (Lukis Dep. 21:1-18; 22:1-23:14; 26:23-27:12; 38:10:13; 39:6-15; 40:8-15; 41:21-42:23; 43:9-44:4; 44:22-45:18; 46:17-47:6; 47:9-48:17; 48:19-49:20; 50:17-51:2; 53:14-54:8; 55:1-20; 55:21-56:9; 56:10-57:5; 57:6-18; 122:17-123:20; 124:20-125:15; 125:16-24; 126:1-24; 127:19-128:5; 162:11-20; 164:8-165:14; 166:4-21). These objections not only were inappropriate as a substantive matter (and may require a motion to compel, as discussed below), but also unnecessarily prolonged the deposition and are further evidence of counsel's inadequacy to represent the class.

### **Discovery Deficiencies**

For the reasons set forth above, plaintiff should promptly withdraw the Complaint in light of the requirements under Federal Rule of Civil Procedure 11. But if the litigation continues in any form, I write here to memorialize the alarming testimony of Plaintiff in her first deposition session, as well as the remaining ongoing issues that were previously addressed in our December 15, 2020 letter ("December 15 Letter"), our December 22, 2020 meet and confer discussion, and our December 23, 2020 letter ("December 23 Letter").

Despite the fact that Plaintiff has had Whitepages' written discovery requests since October 9, 2020, Plaintiff made clear at her first deposition session almost three months later that she made ***no effort whatsoever*** to search for ***any*** responsive documents until three days before the deposition — and even then, she only attempted to download her Facebook, LinkedIn, and Twitter accounts for production. (Lukis Dep. 25-26). This is obviously inadequate. Moreover, despite our previous meet and confer efforts, Plaintiff did not produce ***any*** documents or supplemental discovery responses until after 4 p.m. Central on January 4, 2021, less than 18 hours before Plaintiff's deposition. Plaintiff's discovery responses and production are woefully inadequate and must be supplemented immediately if this litigation continues.



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**A. Issues identified in deposition.**

During Plaintiff's deposition, she identified numerous documents and sources of data responsive to Whitepages' discovery requests but not produced. Accordingly, Whitepages requests that Plaintiff immediately proceed with the following steps and supplement her responses accordingly:

- Plaintiff must search her LG Stylo 5 (including but not limited to text messages) for any documents responsive to Whitepages' discovery requests (or make available to Whitepages a forensic image of that device).
- Plaintiff must search her Samsung Galaxy phone data in the cloud (including but not limited to text messages) for any documents responsive to Whitepages' discovery requests (or make available to Whitepages a forensic image of that cloud data).
- Plaintiff must search autumnsilver@gmail.com, stephanie.lukis@gmail.com, and smlukis@gmail.com for any documents responsive to Whitepages' discovery requests.
- Plaintiff must search her Dell Inspiron 3584 for any documents responsive to Whitepages' discovery requests (or make available to Whitepages a forensic image of that device).
- Plaintiff must search the hard drive from her old HP desktop for any documents responsive to Whitepages' discovery requests (or make available to Whitepages a forensic image of that device).
- Plaintiff must search the hard drive from her old Dell desktop for any documents responsive to Whitepages' discovery requests (or make available to Whitepages a forensic image of that device).
- Plaintiff must search her Facebook Messenger account for any documents responsive to Whitepages' discovery requests.

Additionally, Plaintiff must produce the following documents that she identified in her deposition:

- The Craigslist ad (or ads) soliciting her to participate as a plaintiff in this litigation and any related email communications.
- Any documents related to her use of CreditKarma.com, Experian, Equifax, and/or TransUnion.
- Her cell phone contracts with TMobile and Sprint.
- Any documents related to her applications to work at Whole Foods, Amazon, McCormick & Schmick's, and Homeliving.



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- Her Craigslist account history and profile.
- Her eBay account history and profile.
- Her Amazon account history and profile.
- Her Uber account history and profile.
- Her MySpace account history and profile.
- Her YouTube account history and profile.
- Her Google account history and profile.
- Her browser search history for each digital device that she testified about in the deposition (as well as any others).

Finally, as discussed above, Plaintiff's counsel made numerous improper objections and instructions not to answer during the deposition, and Plaintiff unilaterally refused to answer certain questions without justification. Those objections must be withdrawn and Plaintiff should be prepared to answer those questions at the next deposition session.

**B. Ongoing discovery issues.**

**1. Requests for production**

In Plaintiff's supplemental responses to Requests for Production 2, 3, 4, 5, and 15, Plaintiff states that she is willing to produce her Reddit history, but Whitepages has "not yet explained how this may be retrieved" and Plaintiff will await instructions from Whitepages before determining if the request is overly burdensome. This is absurd. Whitepages does not bear the burden of determining how Plaintiff can accomplish her obligations for responding to discovery, and Whitepages will not provide any "instructions" on how Plaintiff can access her own information. Plaintiff has an obligation under the Federal Rules of Civil Procedure to search for all documents responsive to Whitepages' discovery requests and produce them unless Plaintiff can show a burden that is disproportionate to the needs of the case. To date, Plaintiff has shown no burden whatsoever — indeed, Plaintiff's deposition testimony shows that she did not even *attempt* to collect any documents until three days before her deposition, and even then, her search was extremely limited. Plaintiff must proceed with whatever steps are necessary to collect the Reddit history documents, as well as the other online history documents addressed above that were mentioned in Plaintiff's deposition and are responsive to these requests.

With respect to Request for Production 6, Plaintiff's engagement letter with Beaumont Costales has now been produced, but two paragraphs have been redacted. As we have explained previously, the engagement letter is not attorney-client privileged or work product protected. Accordingly, the full, unredacted engagement letter must be produced immediately.

William H. Beaumont, Esq.

January 11, 2021

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Plaintiff's supplemental response to Request for Production 9 frankly makes no sense. This request seeks: "All documents and communications related to, arising out of, or evidencing the actual damages allegedly incurred by you as asserted in the Complaint." Your response is: "See Plaintiff's supplemental response to request for production number 8." Request for Production 8 seeks: "All documents and communications related to, arising out of, or evidencing the emotional distress allegedly suffered by you as asserted in the Complaint." Your supplemental response is: "Defendant states this request does not seek Plaintiff's attorney's fees or costs, and therefore Plaintiff states that she is not withholding any documents on the basis of her objections." Given that these two requests seek two entirely different types of documents, it is unclear how the response to Request for Production 8 is the same as Request for Production 9. This response should be revised and any responsive documents should be produced.

With respect to Request for Production 13, as discussed above, additional information is needed, including documents from multiple devices (or images of those devices) and Plaintiff's browser histories. Plaintiff's assertion that "producing her browsing history (if any) from this hard drive is unduly burdensome as Plaintiff does not have the present capability to operate the hard drive" is without merit. Plaintiff's Web history is critical evidence in this case in light of the privacy and consent issues (among others) and Plaintiff has an obligation to attempt to access that information. Plaintiff has described no burden that is disproportionate to the needs of the case. Moreover, if Plaintiff is unable to access the hard drive, Plaintiff should enlist the aid of a computer forensics vendor to access the drive or to image the drive and turn the entire drive over to Whitepages for analysis.

With respect to Request for Production 14, it appears Plaintiff is standing on her objection. Given Plaintiff's acknowledgement in the deposition that Beaumont Costales acted as her agent, we urge you to reconsider this position. If you do not, Whitepages will move to compel on this issue.

## **2. Interrogatories**

As discussed on December 22, 2020, and in the December 23 Letter, it is not a proper objection to claim that a request is "overbroad and unduly burdensome" solely because Plaintiff cannot recall some or all of the responsive information. Yet in Plaintiff's supplemental interrogatory responses dated January 4, 2021, Plaintiff asserts the same objections to Interrogatories 1-7 and 10, and Plaintiff has made no effort to locate responsive information. Whitepages therefore intends to move to compel on this issue.

With respect to Interrogatory No. 16, your supplemental response is nonsensical. Interrogatory No. 16 asks Plaintiff to "[i]dentify and describe your actual damages as alleged in the Complaint." Plaintiff's response makes no reference at all to damages, instead saying "Defendant's behavior is predatory because it allows others to access personal details about her and her family which is disconcerting because of her emotional abuse." This is entirely nonresponsive. Whitepages intends to move to compel on this issue unless the response is revised immediately.

William H. Beaumont, Esq.

January 11, 2021

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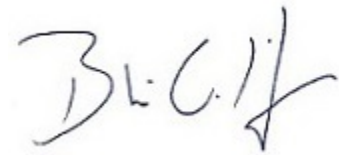
With respect to Interrogatory No. 17, your supplemental response states “see Plaintiff’s supplemental response to Interrogatory Number 17.” This obviously makes no sense and should be further revised immediately.

**Conclusion**

Given the issues described above and the fact that they clearly demonstrate the inadequacy of both Plaintiff and her counsel in this case, Plaintiff should immediately voluntarily dismiss her Complaint. But if she does not, Whitepages will proceed with discovery as ordered by Judge Feinerman over Whitepages’ objections, including the second deposition session of Ms. Lukis January 13 and the presenting of three deponents from Whitepages later in January, but Whitepages reserves the right to seek recovery of its fees and costs in doing so (pursuant to 28 U.S.C. § 1927) if Beaumont Costales continues to insist on litigating this case on behalf of Ms. Lukis, unnecessarily and vexatiously multiplying the proceedings.

Please know that we do not invoke Rule 11 lightly, but because of the egregious nature of the issues that came to light during Plaintiff’s deposition, we feel we have no choice. If you do not confirm by **5 p.m. Central on January 12, 2021**, that you will withdraw Ms. Lukis’s claim, we will proceed with preparing and serving a Rule 11 motion, triggering the 21-day period under Fed. R. Civ. P. 11(c)(2).

Sincerely,

A handwritten signature in dark ink, appearing to read "Blaine C. Kimrey". The signature is stylized with a large, sweeping "B" and a long, horizontal stroke extending to the right.

Blaine C. Kimrey

cc: Roberto Costales, Esq.

# **Exhibit I**

**Clark, Bryan**

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**From:** Roberto Luis Costales <rlc@beaumontcostales.com>  
**Sent:** Monday, January 18, 2021 4:14 PM  
**To:** Kimrey, Blaine C.  
**Cc:** William H. Beaumont; Reinisch, Jonathon P.  
**Subject:** [EXT] Re: Lukis v. Whitepages (NDIL)

**Blaine:**

We do not represent Plaintiff's spouse, mother-in-law, or sister-in-law. So we will not be providing them for any deposition.

With regard to the browser history request, you have not demonstrated its relevance and/or proportionality to the needs of this case. We have reviewed the law on this point and, in our opinion, we've already *overproduced* to you my client's social media information. In addition to not being relevant, your request for her social media was also not targeted (in any way). Yet we provided it--with the exception of her browser history, which was redacted apart from entries reflecting the access of [whitepages.com](https://www.whitepages.com).

My client has now responded to more than 220 written discovery requests, sat for a 14 hour deposition (including breaks) and provided literally thousands (roughly 2300) of pages of discovery. This is a fishing expedition if I've ever seen one--and worse, it is clearly an attempt to harass my client. I am confident that Judge Feinerman will see it similarly.

Thank you,

**Roberto**

On Thu, Jan 14, 2021 at 7:49 PM Kimrey, Blaine C. <[bkimrey@vedderprice.com](mailto:bkimrey@vedderprice.com)> wrote:

Dear Mr. Beaumont:

Please respond.

Sincerely,

Blaine

**Blaine C. Kimrey**, Shareholder

National class and direct litigation and Chair, Privacy, Cybersecurity & Media Practice Group, CIPP/US, CIPP/E, CIPM

**VedderPrice**

T +1 312 609 7865

Assistant: Deb Mullen +1 312 609 7583

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**From:** Kimrey, Blaine C.

**Sent:** Wednesday, January 13, 2021 3:43 PM

**To:** William H. Beaumont <[whb@beaumontcostales.com](mailto:whb@beaumontcostales.com)>

**Cc:** Reinisch, Jonathon P. <[jreinisch@vedderprice.com](mailto:jreinisch@vedderprice.com)>; Roberto Luis Costales <[rlc@beaumontcostales.com](mailto:rlc@beaumontcostales.com)>

**Subject:** Lukis v. Whitepages (NDIL)

Dear Mr. Beaumont:

I reiterate that Ms. Lukis should withdraw immediately. Today's deposition session did not help her cause.

But if she and you insist on persisting despite the glaring Rule 11 issues, we need to continue Ms. Lukis's deposition after a proper production from her before the Feb. 1 fact discovery cutoff. Also before the Feb. 1 fact discovery cutoff, we need to depose her husband, her sister-in-law, and her mother-in-law in light of Ms. Lukis's claim that the attached (which we became aware of for the first time at the end of today's deposition session during your redirect because it was buried in an 833-page file comprised, but for the attached, of black redaction boxes) does not reflect activity by her and instead reflects activity by her husband, her sister in-law, or her mother-in-law.

Please let us know right away whether Ms. Lukis refuses to withdraw. If she won't withdraw, please let us know right away:

- Whether you will voluntarily produce Ms. Lukis's husband, sister-in-law, and mother-in-law for deposition or whether we have to subpoena them; and
- Why large parts of Ms. Lukis's Jan. 4 Facebook-related production were redacted and whether you're willing to remove those redactions and produce the material unredacted immediately.

Sincerely,

Blaine

**Blaine C. Kimrey**, Shareholder

National class and direct litigation and Chair, Privacy, Cybersecurity & Media Practice Group, CIPP/US, CIPP/E, CIPM

**VedderPrice**

T +1 312 609 7865

Assistant: Deb Mullen +1 312 609 7583

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# Exhibit J

# BEAUMONT COSTALES LLC

3801 Canal Street Suite 207 | New Orleans, Louisiana 70119 | 504.534.5005

3151 W. 26<sup>th</sup> Street, 2<sup>nd</sup> Floor | Chicago, Illinois 60623 | 773.831.8000

June 12, 2019

VIA DOCUSIGN

STEPHANIE LUKIS  
312-459-0876  
STEPHANIE.LUKIS@GMAIL.COM

**RE:** Unauthorized use of your identity by WhitePages.com

Dear Stephanie:

I am writing to set out the terms of the retainer agreement through which we will investigate and potentially prosecute the unauthorized use of your identity by **WhitePages.com**. By signing this letter-agreement, you will have retained the law firm of Beaumont Costales LLC as well as such attorneys as may work with us on this case (hereinafter "the lawyers") to represent you in the aforementioned matter. Should we ultimately decide to file suit, our plan is to pursue this matter on your behalf and on behalf of others similarly situated.

The lawyers will represent both you and the class on a contingent basis. Should we achieve a recovery on behalf of the class, we will petition the court for an award of attorneys' fees and expenses. Although the court will determine what to award, you agree that a fair award of attorneys' fees from a fund recovered for the class would be one-third of the total recovery plus reimbursement of all costs and expenses.

Alternatively, should we reach a private or injunctive settlement on your behalf, or if the court uses the lodestar method of awarding fees (number of hours worked times a multiplier) in the event of a settlement or judgment in your favor, you agree that a fair award of fees would be a lodestar based on our then-current hourly rates with a multiplier of at least three, plus the reimbursement of all our costs and expenses.

If we do not recover any amount on behalf of you or the class, you will not be required to pay us any of our fees, costs, expenses or any other amount whatsoever.

[REDACTED]

You also agree to provide us up-to-date contact information, including your current address, e-mail and telephone number where you can readily be reached.

This agreement is meant to bind and benefit the heirs and successors of each of the parties to this agreement. To that end, you hereby grant the lawyers a lien on any claims, causes of action or recovery that you obtain, whether through settlement, judgment or otherwise, relating to the subject of this agreement. The lien will be based upon the amount of our attorneys' fees, costs, and expenses as set forth above. This lien will not apply if we withdraw as your counsel purely out of our own choice.

If you received this agreement via text message or email, you agree that by responding affirmatively to the text message, such affirmation acts as your signature and is the same as signing and dating below.

This engagement letter is not valid if not signed and returned to me thirty (30) days of the above date.

If you have *any* questions about any aspect of this letter-agreement, please feel free to contact me before you sign it. If you do not have any questions, and the agreement is acceptable, please sign it in the space provided below. We look forward to working with you.

Very truly yours,

/s/ William H. Beaumont  
Beaumont Costales LLC  
107 W Van Buren Street #209  
Chicago, Illinois 60605  
Tel: (773) 831-8000  
whb@beaumontcostales.com

Agreed to:   
Stephanie Lukis

6/12/2019

Date